

002865

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914

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services Department

3. DATE:
September 4, 2007

4. SUBJECT:

Carmel Highlands Village -- Project No. 72522

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

Derrick Johnson, 446-5238, MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Michelle Sokolowski, 446-5278, MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	1317				No cost to the City. All costs are recovered through a deposit account funded by the applicant.
ORGANIZATION	1671				
OBJECT ACCOUNT	4038				
JOB ORDER	424539				
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	MARCELA ESCOBAR-ECK	7/24/07	8	DEPUTY CHIEF	JAMES WARING	7/25/07
2	EAS	TERRI SUMBARDNER	7/24/07	9			
3	EOCP EXEMPT PER MEMO 5/9/96			10	CITY ATTORNEY		8/15/07
4				11	ORIG. DEPT	MIKE WESTLAKE	8/15/07
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7						<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____	

11. PREPARATION OF:

☒ RESOLUTIONS☐ ORDINANCE(S)☐ AGREEMENT(S)☒ DEED(S)

- Council resolution certifying the information contained in Addendum LDR No. 72522 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Carmel Highlands Village project Addendum No. 72522 reflects the independent judgment of the City of San Diego as lead agency; stating for the record that said Addendum has been reviewed and considered prior to approving the project; and, adopt the project-specific Mitigation Monitoring and Reporting Program.
- Council resolution authorizing the Mayor to execute a grant deed to Pardee Homes, for open space and brush management purposes, for Lot "D" of Carmel Crest Estates.
- Council resolution approving Easement Abandonment No. 423680.
- Council resolution approving Vesting Tentative Map (VTM) No. 221330 (Amending VTM No. 96-0707).
- Council resolution approving Site Development Permit No. 423678.

11A. STAFF RECOMMENDATIONS:

Adopt the Resolutions.

CIVIL DIVISION

07 JUL 25 PM 3:13

CITY ATTORNEY

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): Carmel Valley

ENVIRONMENTAL IMPACT: The City Of San Diego As Lead Agency Under Ceqa Has Completed

ADDENDUM NO. 72522

HOUSING IMPACT: The project would provide 169 market rate homes. In accordance with Ch. 14, article 2, Div. 13, the Inclusionary Housing Ordinance, the project is not required to provide any affordable housing. All projects with an approved VTM or an approved Development Agreement (DA) prior to July 3, 2003, are exempt from the ordinance. The VTM and the DA were negotiated and executed in 1998, before the ordinance was created, which exempts this project from the Inclusionary housing ordinance.

INSTRUCTIONS TO THE CITY CLERK:

1. Public noticing is required.
2. Return copies of each resolution to Derrick Johnson, MS 501.
3. Return copy of grant deed to Lane MacKenzie, MS 51A
4. Council action requires a majority vote.
5. The SDP is being processed in accordance with SDMC §126.0501, the VTM in accordance with government code SDMC §125.0401.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: May 3, 2007

REPORT NO.: PC-07-072

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Carmel Highlands Village, Project No. 72522

COUNCIL DISTRICT(S): 1

STAFF CONTACT: Derrick Johnson, 446-5238, MS 501

REQUESTED ACTION: Approval of a development project for the construction of 169-unit condominium complex, one single-family lot and a Commercial Center. The site is located at 5384 Carmel Mountain Road, at the intersection of Carmel Mountain Road and Carmel County Road.

STAFF RECOMMENDATION:

1. Recommend the City Council **Certify** Addendum No. 72522, and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend the City Council **Approve** Easement Abandonment No. 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678.

EXECUTIVE SUMMARY: The Carmel Highlands Village project is located within the Precise Plan area of Carmel Valley Neighborhood Ten. The project proposes the subdivision of a vacant 21-acre site, the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. A 12-acre portion of the site is designated by the Carmel Valley Neighborhood 10 Precise Plan for Low-Density Residential development with a density range of 5 to 15 dwelling units per acre. The remainder of the site is designated as Neighborhood Commercial, Very-Low Density Residential and Open Space. The Precise Plan allocates residential density between 98 and 189 dwelling units for the Low-Density Residential portion of the site. The project site is in the CVPD-OS/SF2/MF1/NC Zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan.

The project site is covered by a Development Agreement (DA) between the City of San Diego and the Pardee Construction Company (Pardee Homes). The Agreement was negotiated and entered into by the City Council on September 8, 1998, the effective date was November 3, 1998.

The project consists of: 32, two-story buildings with attached garages; one approximately 6,600-square foot recreational building; one single-family lot; 28,040-square feet of commercial space within five buildings; and associated Open Space. The project would include the transfer of 3.06 acres, Lot B, from the applicant to the City of San Diego for open space purposes. The project would also include the transfer of 0.18 acres, Lot D, in fee simple from the City to the applicant for brush management purposes.

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Staff has reviewed the proposed project and has determined that all issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff recommends the City Council approve the project as proposed.

FISCAL CONSIDERATIONS: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

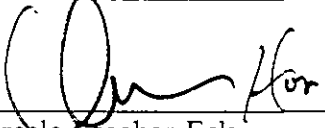
PLANNING COMMISSION DECISION: The subject project was originally heard by the Planning Commission on May 10, 2007. Public testimony was heard on this item. The item was continued by the Planning Commission until June 7, 2007, to allow the applicants an opportunity to revise the project and to work with staff on the issues raised by the Commission. The Commissioners directed the applicants to work with staff to evaluate the following issues: Affordability; Sustainability; Land Use Planning and Design; and Landscaping. The applicants met with staff several times to discuss their proposed changes. During the initial Planning Commission hearing on May 10, 2007 the City Planning & Community Investment Department determined the project fell short of achieving the neighborhood design concepts of the 1975 Carmel Valley Community Plan for Neighborhood 10. The modifications made after the original Planning Commission hearing resulted in the City Planning & Community Investment Department's support of the revised project.

YEAS: Garcia, Otsuji, Griswold, Ontai, Naslund, **NAYS:** N/A,

ABSTAINING: Commissioner Shultz was not present

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On July 11, 2006, the Carmel Valley Community Planning Board initially voted 12:0:0 to approve the proposed actions, with concerns as delineated in the Planning Commission Report No. PC-07-072. At the Planning Commission hearing on June 7, 2007 no one appeared in opposition to the project. During the June 7, 2007 Planning Commission hearing the applicants were directed by the Commissioner's to present the revised project to the Carmel Valley Community Planning Board prior to the City Council hearing. On July 10, 2007, the applicants presented the revised project to the Carmel Valley Community Planning Board. The Board voted 12:0:0 in favor of the proposed project, without recommendations. There is no known opposition to the project in the community.

KEY STAKEHOLDERS: Pardee Homes.



Marcela Escobar-Eck
Director
Development Services Department

James T. Waring
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS: Planning Commission Report No. PC-07-072

NOTICE OF DETERMINATION

002869

TO: X Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project No. 72522
Amending EIR No. 96-0736 and Subsequent EIR No. 96-0736(7)
Previous Applicable SCH #s 88033019 & 97-011032

LDR Number: 42-4539

State Clearinghouse Number: SCH #s 88033019 & 97-011032

Project Number: 72522

Project Title: Carmel Highlands Village:

Project Location: The site is located at 5384 Carmel Mountain Road at the intersection of Carmel Mountain Road and Carmel County Road. The project site is in the CVPD-OS/SF2/MF1/NC Zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan. The proposed project site is surrounded by low density residential development to the south and east, commercial to the north and open space to the west.

Project Description: Subdivision of a vacant 21-acre site, the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center, grading, landscaping and improvements in the public right-of-way and other uses generally associated with a land development, such as: homeowner association lots, open space lots and water quality basins.

Project Applicant: Pardee Homes, 12626 High Bluff Drive, Suite 100, San Diego, CA 92130. Telephone - (858) 794-2500.

This is to advise that the Council of the City of San Diego on July 31, 2007 approved the above described project and made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.
2. An Addendum to an Environmental Impact Report and Subsequent Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Smit Kicklighter

Telephone: 619-446-5378

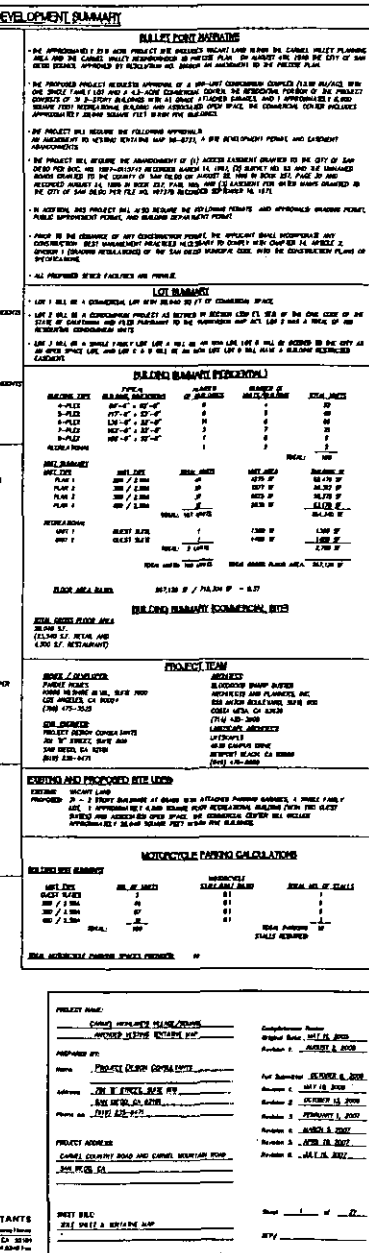
Filed by:



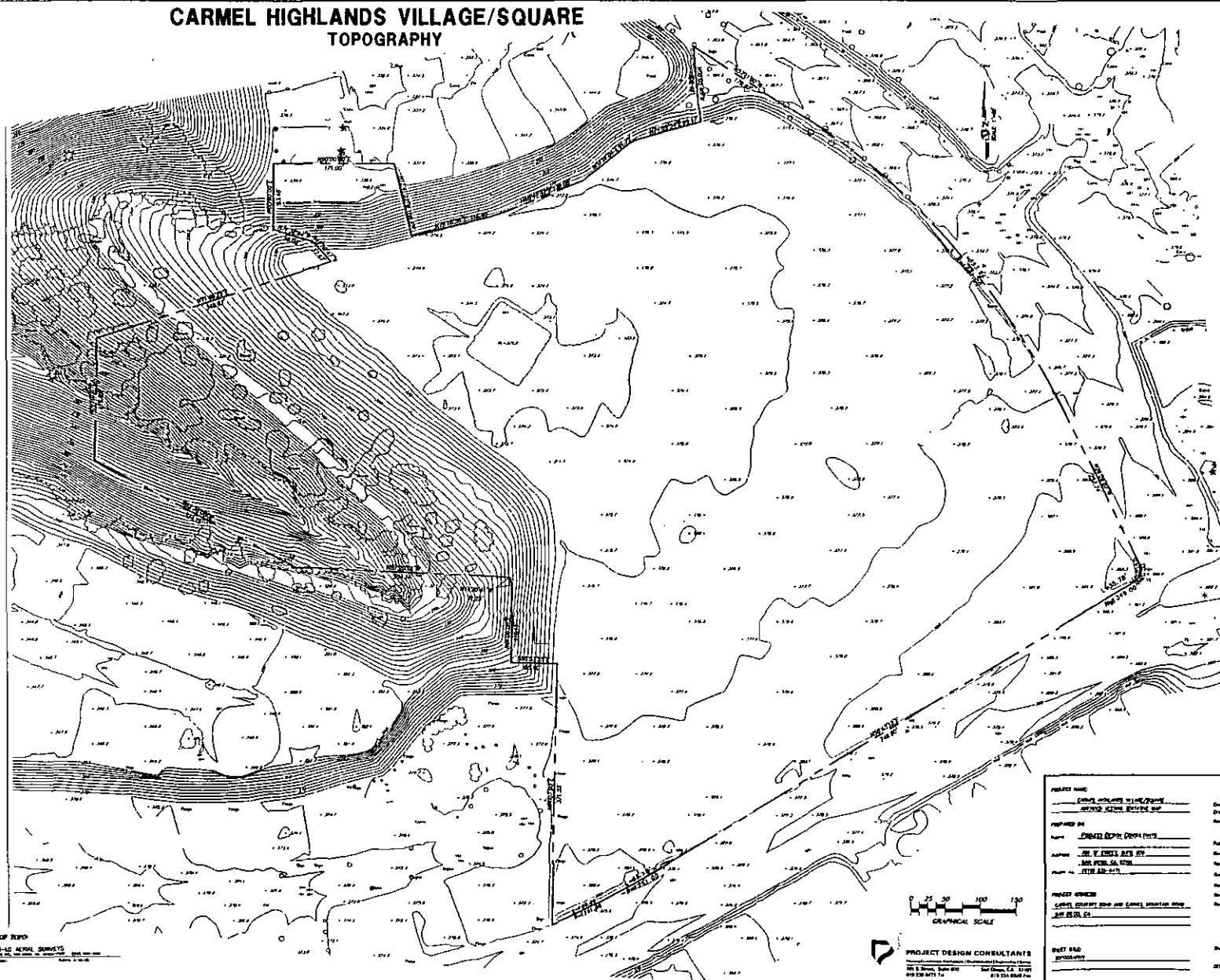
Terri Bumgardner
Senior Planner

Title

Reference: California Public Resources Code, Sections 21108 and 21152.



CARMEL HIGHLANDS VILLAGE/SQUARE
TOPOGRAPHY



EXAMPLE OF REPORT

SAH-AERIAL SURVEYS
 2075 WINDING RD., VAN COVE, ON. M7B 2P6

1 \amp; 2016\PDF\2816PDF_05.doc
Jul 24, 2007 - 8:27am

[illegible]

Sheet 012 of 012
 10/10/1997

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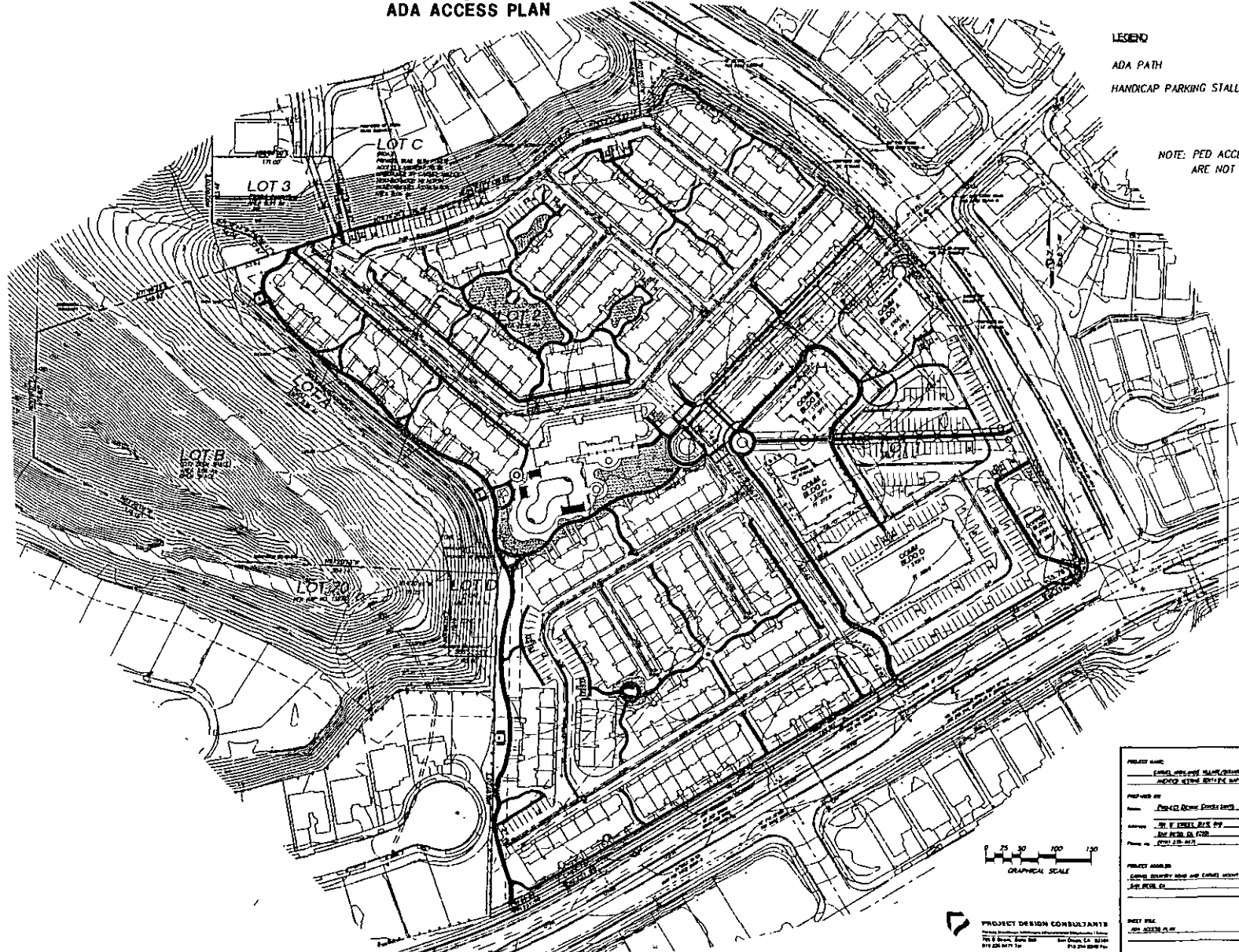
CARMEL HIGHLANDS VILLAGE/SQUARE ADA ACCESS PLAN

LEGEND

ADA PATH

HANDICAP PARKING STALL

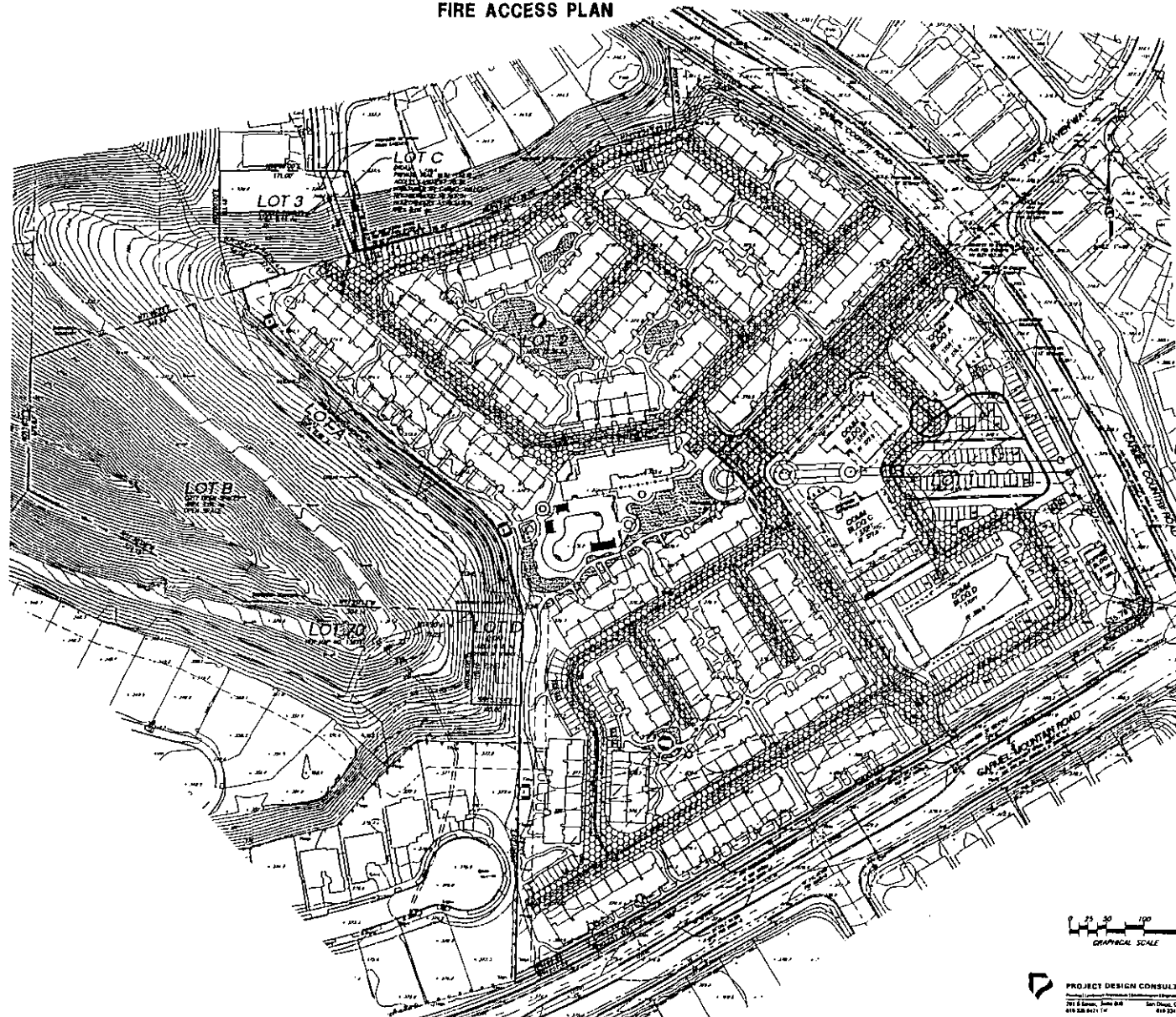
NOTE: PED ACCESS TO BLDGS 28 & 29
ARE NOT ADA PATHS



PROJECT NAME:		Development Title:
CARMEL HIGHLANDS VILLAGE/SQUARE		Project No. 002876
PROJECT NO.:		Revision 1 - 000001 & 0002
Name:		Project Name: CARMEL HIGHLANDS VILLAGE/SQUARE
Address:		300 N. CARMEL BLVD. PP
City:		LAKE MICHIGAN, MI 48060
Phone:		(313) 235-1415
PROJECT ADDRESS:		CARMEL HIGHLANDS VILLAGE/SQUARE
SHEET NO.:		002876-01
SHEET TITLE:		ADA ACCESS PLAN
Date:		11/11/00
By:		ADP

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CARMEL HIGHLANDS VILLAGE/SQUARE FIRE ACCESS PLAN



FIRE DEPARTMENT NOTES

1. ALL BUILDING SHALL BE SPRINKLED.
2. FIRE ACCESS ROADWAY SHALL BE PROVIDED IN ACCORDANCE WITH PUPS POLICY A-00-1.
3. FIRST REMEDIATION VEHICLES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURES PER LFC NOT 4.
4. AN ELIMINATED DIRECTORY SHALL BE PROVIDED IN ACCORDANCE WITH PUPS POLICY A-00-6.
5. ALL STREETS LESS THAN 20' SHALL HAVE PARKING PROHIBITED ON BOTH SIDES.
6. FURTHER BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY, PER PUPS POLICY A-00-6.
7. AN APPROVED VEHICLE SMOKE DETECTION SYSTEM WITH ALARM KITS/STATION OVER THE SMOKE DETECTION TO THE FIRE DEPARTMENT, SHALL BE PROVIDED AT THE MAIN AND SECONDARY VEHICLE ENTRY POINTS TO THIS PROJECT.
8. ALL FIRE ACCESS ROADS SHALL PER CITY OF SAN DIEGO FIRE DEPARTMENT SPS POLICY A-96-1.
9. TEMPORARY STREET CLOSURES ARE REQUIRED IN ACCORDANCE WITH LFC NOT 4.2.

TYPE OF CONSTRUCTION

1. TYPE I FIRE-RESISTANT CONSTRUCTION - 1 HOUR STRUCTURAL FRAME
2. TYPE II (COMMERCIAL) SPEC

LEGEND

- PROPERTY LINE
- LOTLINE
- PUBLIC UTILITY
- PROPOSED FIRE ROADWAY
- PROPOSED 1' CURB
- PROPOSED FIRE ACCESS

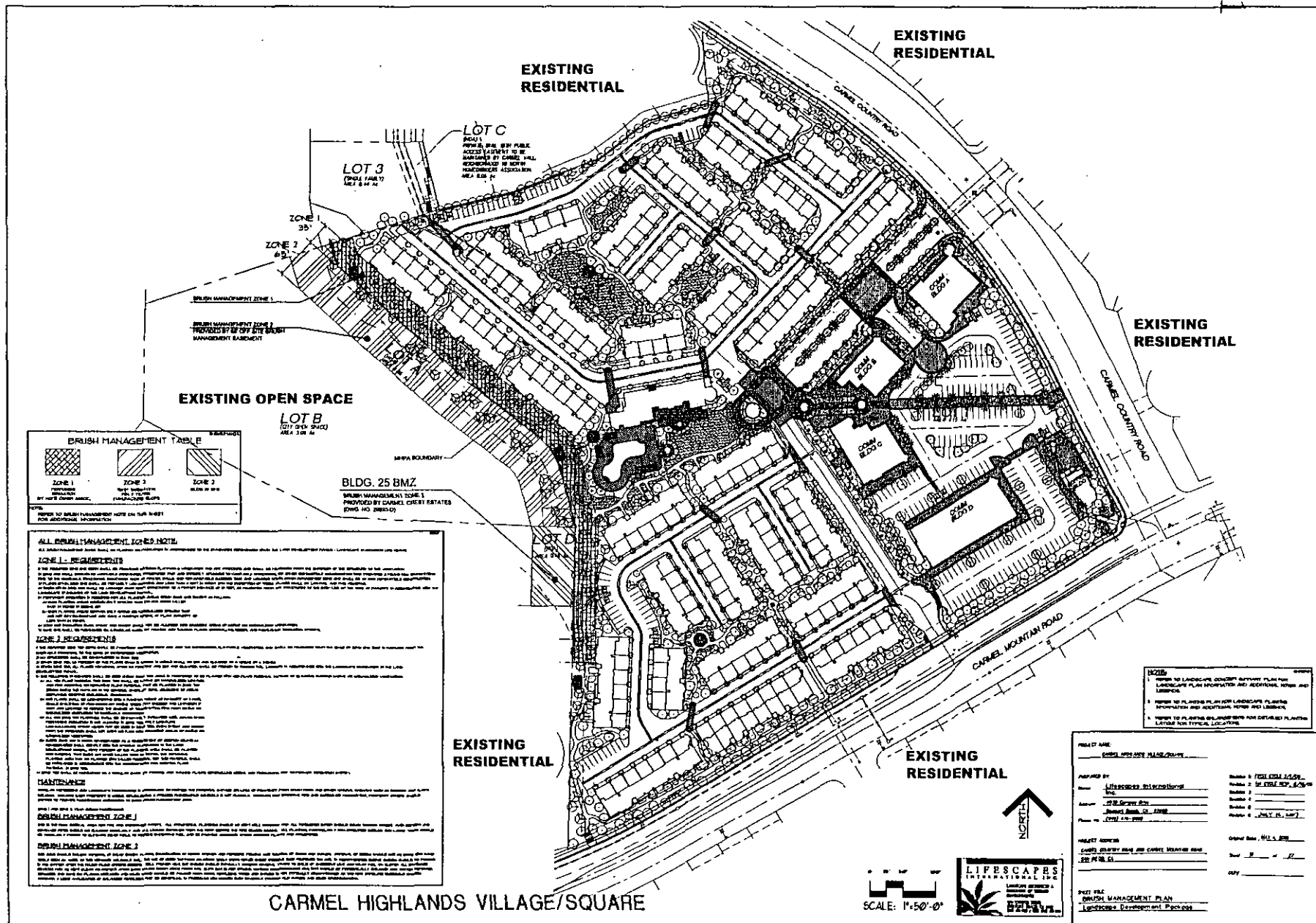
0 25 50 100 150
GRAPHICAL SCALE

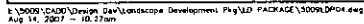


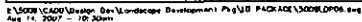
PROJECT DESIGN CONSULTANTS
Professional Engineering and Architecture
200 S. Main, Suite 200 San Diego, CA 92101
619.584.1111

PROJECT NAME	CARMEL HIGHLANDS VILLAGE/SQUARE	Comprehensive Review	October 10, 2020
APPROVED BY	PROJECT DESIGN CONSULTANTS	Approval 2	October 10, 2020
NAME	JULIE B. JONES, P.E.	Full Submittal	October 10, 2020
ADDRESS	200 S. Main, Suite 200	Approval 1	October 10, 2020
PHONE	619.584.1111	Approval 2	October 10, 2020
PROJECT NUMBER	CARMEL HIGHLANDS VILLAGE/SQUARE	Approval 1	October 10, 2020
DATE	October 10, 2020	Approval 2	October 10, 2020
BY	JULIE B. JONES	Approval 1	October 10, 2020
DATE	October 10, 2020	Approval 2	October 10, 2020
BY	JULIE B. JONES	Approval 1	October 10, 2020
DATE	October 10, 2020	Approval 2	October 10, 2020

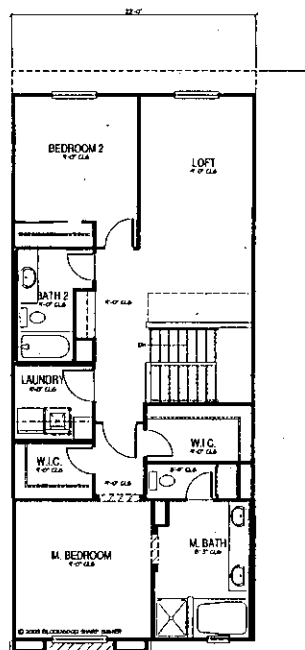
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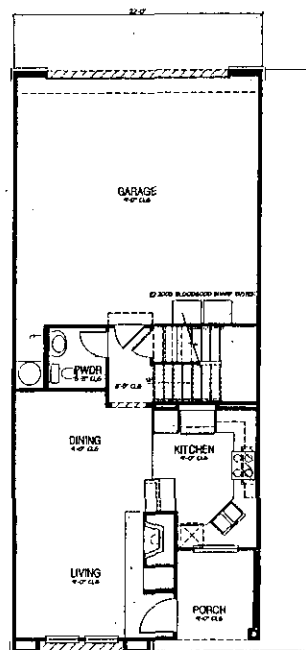




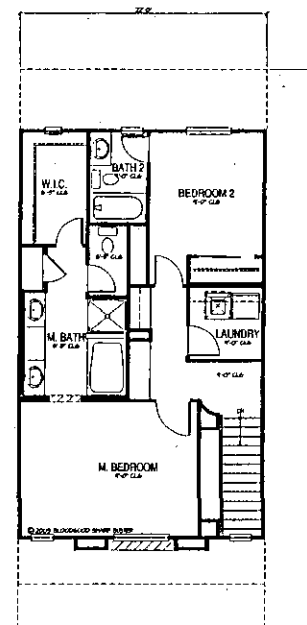
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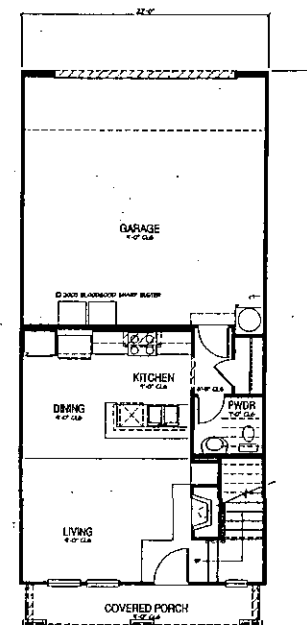
Plan 2 Second Floor



Plan 2 First Floor



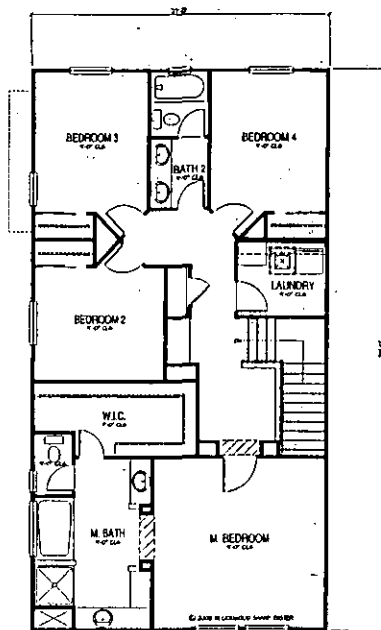
Plan 1 Second Floor



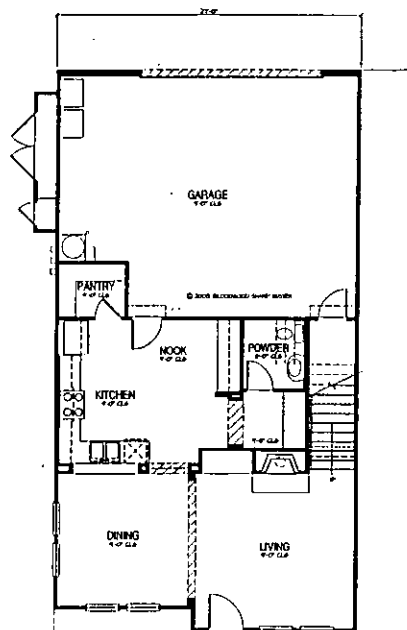
Plan 1 First Floor

Bloodgood Sharp Buster PROJECT NAME CHASEL REPAIRS BLANK/2000	
PREPARED BY NAME ADDRESS PHONE NO.	REVIEWED BY REVIEWED BY REVIEWED BY REVIEWED BY
PROJECT ADDRESS CHASEL REPAIRS BLANK/2000 1000 1000 1000	SHEET NO. 15 of 17 DATE 10/15/2007

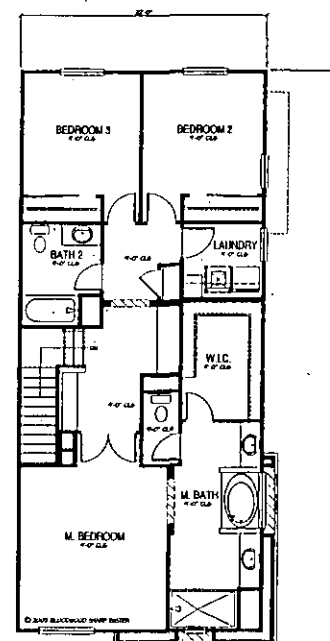
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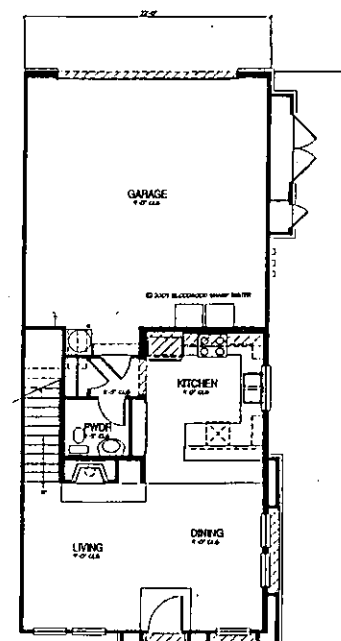
Plan 4 Second Floor



Plan 4 First Floor



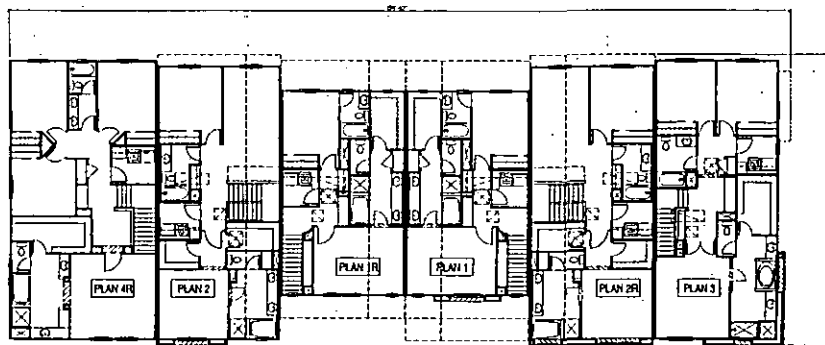
Plan 3 Second Floor



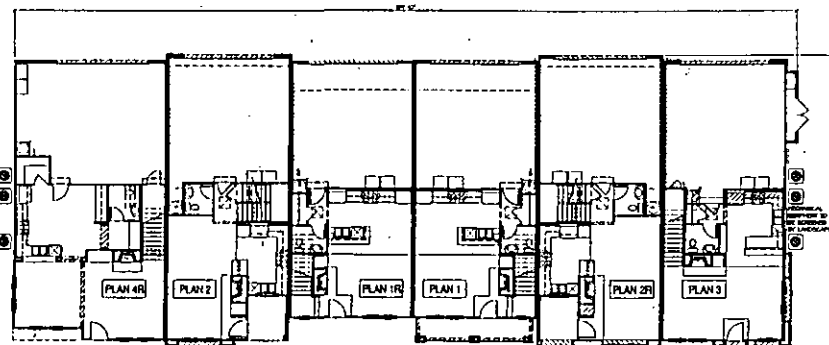
Plan 3 First Floor

PROJECT NAME CHURCH LINDSEY, MARY, 2000	
PREPARED BY: LINDSEY, MARY, 2000 LINDSEY, MARY, 2000 LINDSEY, MARY, 2000 LINDSEY, MARY, 2000 LINDSEY, MARY, 2000	REVISIONS: Revision 1: 10/15/2000 Revision 2: 10/15/2000 Revision 3: 10/15/2000 Revision 4: 10/15/2000 Revision 5: 10/15/2000
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PROJECT NAME: CHURCH LINDSEY, MARY, 2000	DATE: 10/15/2000

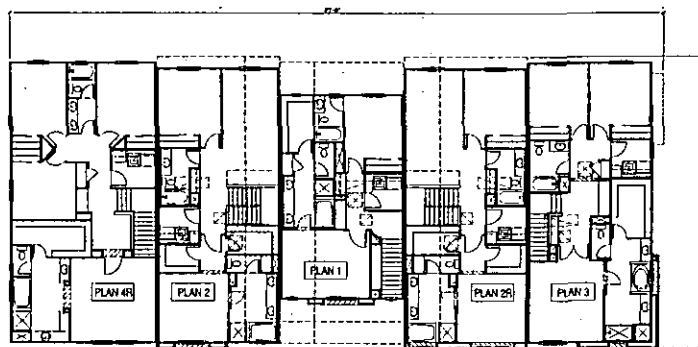
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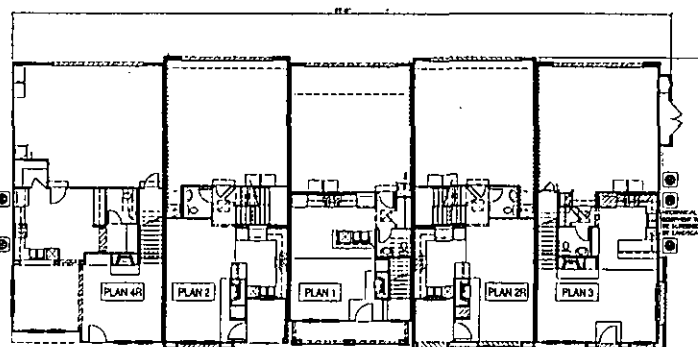
Second Floor 6 Plex



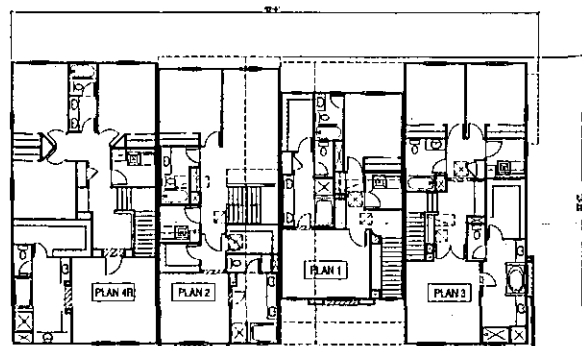
First Floor 6 Plex



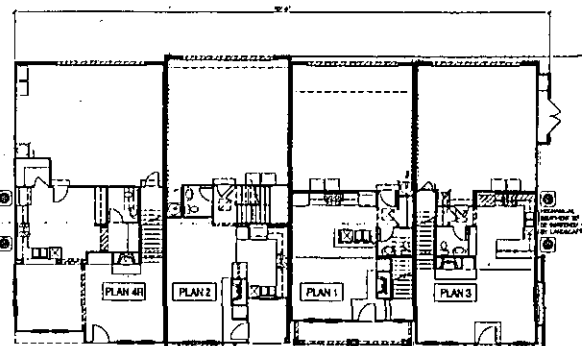
Second Floor 5 Plex



First Floor 5 Plex



Second Floor 4 Plex



First Floor 4 Plex

Blountwood Sharp Ruster PROJECT NAME CHURCH LINDSEY BLANK/SHARP	
PREPARED BY J. BLOUNTWOOD SHARP RUSTER ARCHITECTS AND PLANNERS, INC. 1001 WEST 10TH AVE., SUITE 100 DENVER, CO 80202	REVIEWED BY J. BLOUNTWOOD SHARP RUSTER ARCHITECTS AND PLANNERS, INC. 1001 WEST 10TH AVE., SUITE 100 DENVER, CO 80202
PROJECT ADDRESS 1001 WEST 10TH AVE. AND CHURCH LINDSEY BLANK/SHARP DENVER, CO 80202	SHEET NO. 17 OF 17 DATE 11/11/2007

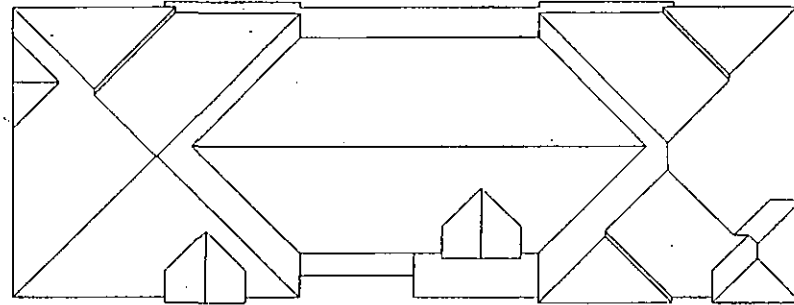
Architectural floor plan of the first floor of the Federal Reserve Bank of New York. The plan shows a series of rooms and corridors. Key areas include:

- PLAN 4B:** Located on the far left, containing a large open space and a staircase.
- PLAN 2:** A small room adjacent to PLAN 4B.
- PLAN 1:** A large central room with a staircase and a small office area.
- PLAN 1B:** A room adjacent to PLAN 1, containing a staircase.
- PLAN 1:** Another room adjacent to PLAN 1B, containing a staircase.
- PLAN 2:** A room adjacent to the second PLAN 1, containing a staircase.
- PLAN 2B:** A room adjacent to the second PLAN 2, containing a staircase.
- PLAN 3:** A room on the far right, containing a staircase.

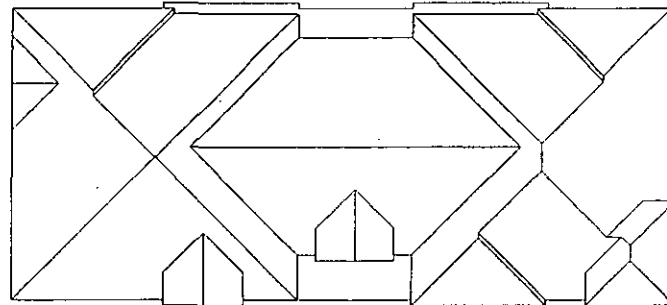
The plan also shows various corridors, staircases, and smaller rooms throughout the floor.

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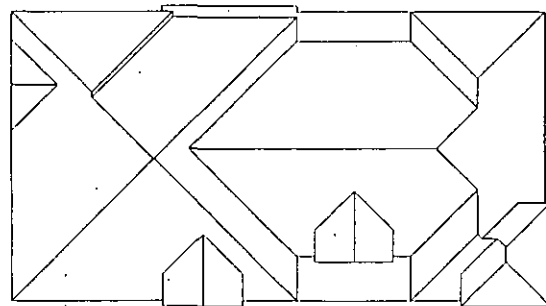
002889



Roof Plan 6-Plex



Roof Plan 5-Plex



Roof Plan 4-Plex

PROJECT NAME: CIVIL ENGINE, ALICE/JOHN	
DESIGNED BY: ALICE/JOHN	DATE: 10/10/00
CHECKED BY: ALICE/JOHN	DATE: 10/10/00
APPROVED BY: ALICE/JOHN	DATE: 10/10/00
PROJECT ADDRESS: CIVIL ENGINE, ALICE/JOHN	PROJECT NO.: 002889
DATE: 10/10/00	BY: ALICE/JOHN
PROJECT NAME: CIVIL ENGINE, ALICE/JOHN	
DESIGNED BY: ALICE/JOHN	DATE: 10/10/00
CHECKED BY: ALICE/JOHN	DATE: 10/10/00
APPROVED BY: ALICE/JOHN	DATE: 10/10/00
PROJECT ADDRESS: CIVIL ENGINE, ALICE/JOHN	PROJECT NO.: 002889
DATE: 10/10/00	BY: ALICE/JOHN
PROJECT NAME: CIVIL ENGINE, ALICE/JOHN	
DESIGNED BY: ALICE/JOHN	DATE: 10/10/00
CHECKED BY: ALICE/JOHN	DATE: 10/10/00
APPROVED BY: ALICE/JOHN	DATE: 10/10/00
PROJECT ADDRESS: CIVIL ENGINE, ALICE/JOHN	PROJECT NO.: 002889
DATE: 10/10/00	BY: ALICE/JOHN

Building Section Plan 2

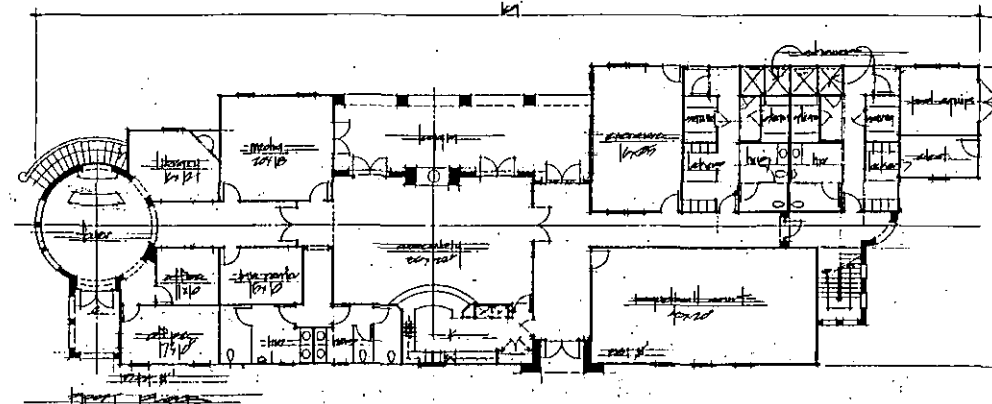
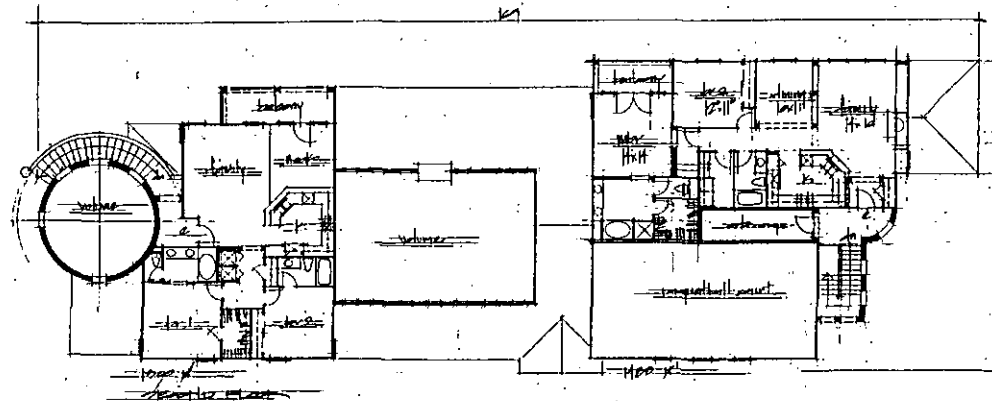
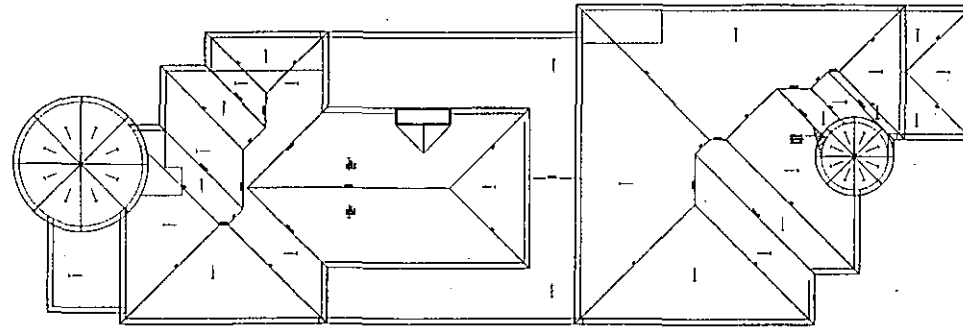
Building Section Plan 1

Building Section Plan 3

		ELEVATION TABLE						
NO.	W.D.	EARTH TO PROPOSED	GAMMA	PAVED	SECOND	ROCK	TOTAL	
		GRADE	PAVING	PAVING	PAVING	PAVING	ELEVATION	
1	RECREATIONAL BLVD.	107.4	107.4	107.4	107.4	107.4	107.4	
2	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
3	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
4	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
5	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
6	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
7	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
8	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
9	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
10	107.4	107.4	107.4	107.4	107.4	107.4	107.4	
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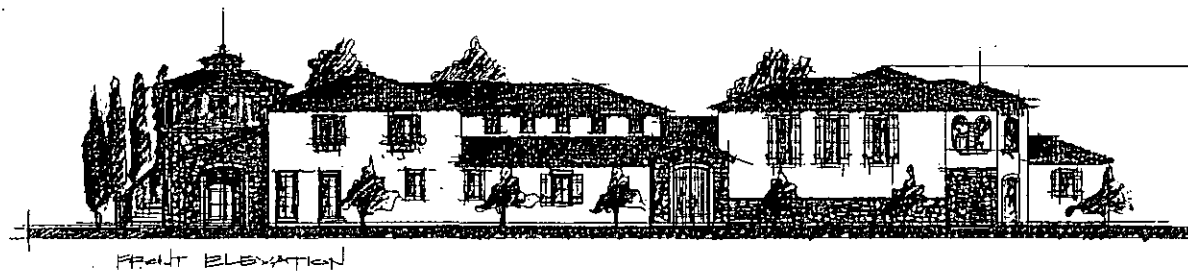
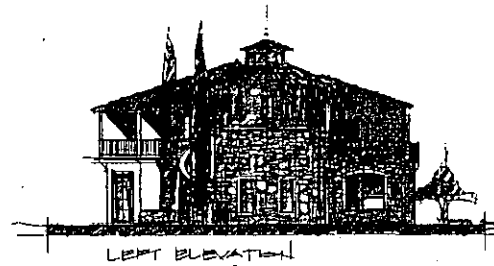
002891



Recreation Building

PROJECT NAME: CAROL HARRISON BLAKE DRIVE	
PREPARED BY: ROBERTO J. BUSTO ARCHITECT AND PLANNER, INC. 100 WEST 10TH ST. NEW YORK, N.Y. 10011	DATE: 10/15/77
PROJECT ADDRESS: CAROL HARRISON BLAKE DRIVE NEW YORK, N.Y.	DATE: 10/15/77
DATE: 10/15/77	DATE: 10/15/77

002892



Recreation Building

PROJECT NAME		DATE	
COLUMBIAN COLLEGE OF ARTS & DESIGN		JULY 15, 2008	
PREPARED BY		REVISIONS	
J. J. JONES, JR.		Revision 1: JULY 15, 2008	
J. J. JONES, JR.		Revision 2: AUGUST 12, 2008	
J. J. JONES, JR.		Revision 3: AUGUST 15, 2008	
J. J. JONES, JR.		Revision 4: SEPTEMBER 10, 2008	
J. J. JONES, JR.		Revision 5: SEPTEMBER 16, 2008	
PROJECT ADDRESS		DATE	
COLUMBIAN COLLEGE OF ARTS & DESIGN		JULY 15, 2008	
PROJECT NO.		DATE	
JULY 15, 2008		JULY 15, 2008	
PROJECT NAME		DATE	
COLUMBIAN COLLEGE OF ARTS & DESIGN		JULY 15, 2008	
PROJECT NO.		DATE	
JULY 15, 2008		JULY 15, 2008	
PROJECT NAME		DATE	
COLUMBIAN COLLEGE OF ARTS & DESIGN		JULY 15, 2008	
PROJECT NO.		DATE	
JULY 15, 2008		JULY 15, 2008	

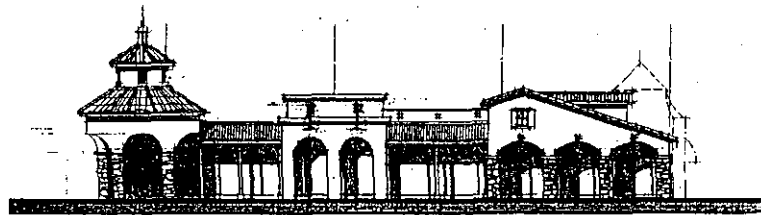
002893



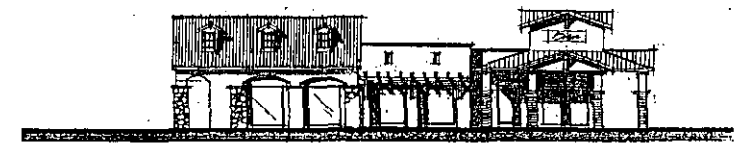
Elevation 3



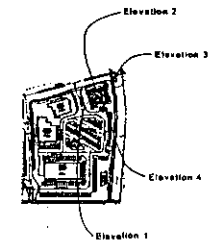
Elevation 4



Elevation 2



Elevation 1



REMARKS:
NOTED IN
BY SURVEY
BY SURVEY
PRIVATE

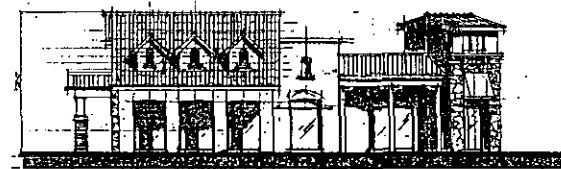
Building 'A'

Blair <small>Division of Planning, Inc.</small> Blair and Sharp, Inc.	
PROJECT NAME: OTHER REFERENCE: <u>BLAIR, SHARP</u>	DRAWING NO. <u>101-100-6</u> SCALE <u>1/8" = 1'-0"</u> DATE <u>10/10/66</u> BY <u>BLAIR, SHARP</u> CHECKED <u>BLAIR, SHARP</u> APPROVED <u>BLAIR, SHARP</u> PROJECT NO. <u>101-100-6</u>
PREPARED BY: DRAWN BY: <u>BLAIR, SHARP</u> CHECKED BY: <u>BLAIR, SHARP</u> APPROVED BY: <u>BLAIR, SHARP</u> PROJECT NO. <u>101-100-6</u>	REPORT NO. <u>101-100-6</u> SHEET NO. <u>25</u> OF <u>31</u> CITY <u>NEW YORK</u>
PROJECT NO. <u>101-100-6</u> SHEET NO. <u>25</u> OF <u>31</u> CITY <u>NEW YORK</u>	

002894



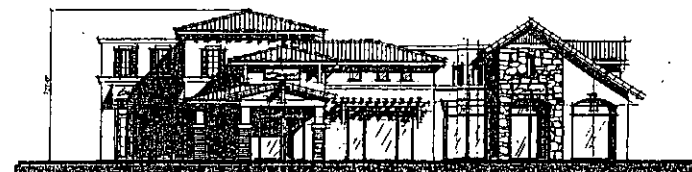
Elevation 3



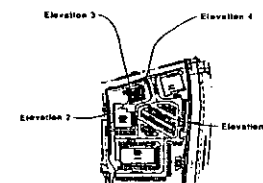
Elevation 4



Elevation 2



Elevation 1



Building 'B'

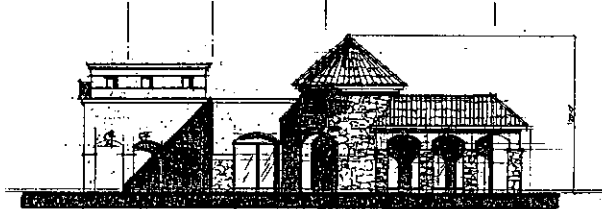
PROVIDE
SCHEDULE TO
BE SUBMITTED
BY ARCHITECT
REMARKS

PROJECT NAME: CHINESE MEDICAL BLVD/2000	
PREPARED BY: A. J. JONES, ARCHITECT PROJECTS AND PLANNING, INC. 1000 N. 10th St., Suite 100 Phoenix, AZ 85004	DATE: MAY 19, 2004 MAY 19, 2004 MAY 19, 2004 MAY 19, 2004
PROJECT ADDRESS: CHINESE MEDICAL BLVD AND CHINESE MEDICAL BLVD PHOENIX, AZ	DATE: MAY 19, 2004 MAY 19, 2004 MAY 19, 2004 MAY 19, 2004
PROJECT NAME: CHINESE MEDICAL BLVD/2000	DATE: MAY 19, 2004 MAY 19, 2004 MAY 19, 2004 MAY 19, 2004

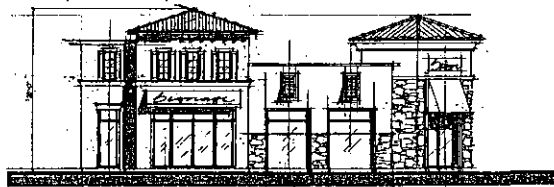
002895



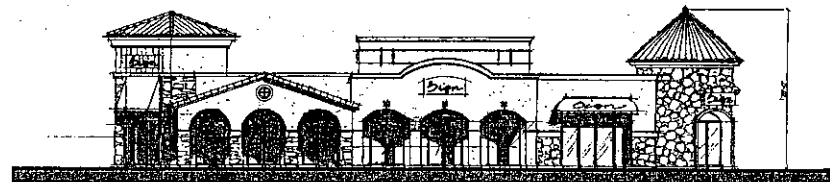
Elevation 3



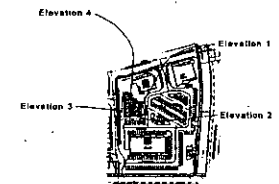
Elevation 4



Elevation 2



Elevation 1



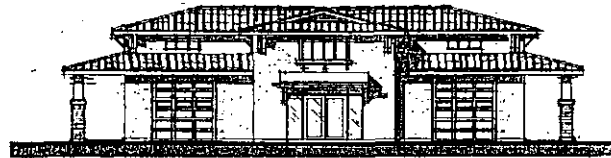
Building 'C'

VERTICAL
DIMENSIONS
TO
TOP OF
ROOF
UNLESS
NOTED
OTHERWISE

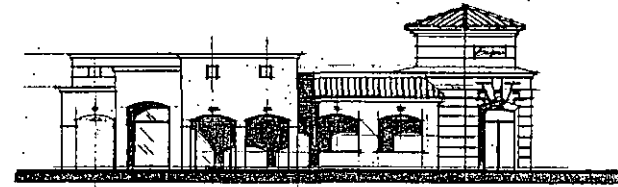
WOODWARD STUMP BUSTER

PROJECT NAME: WOODWARD STUMP BUSTER		Revision 1: 1/17/18, 2018
PREPARED BY: WOODWARD STUMP BUSTER		Revision 2: 1/17/18, 2018
DRAWN BY: WOODWARD STUMP BUSTER		Revision 3: 1/17/18, 2018
CHECKED BY: WOODWARD STUMP BUSTER		Revision 4: 1/17/18, 2018
DATE: 1/17/18		Revision 5: 1/17/18, 2018
PROJECT ADDRESS: WOODWARD STUMP BUSTER		Revision 6: 1/17/18, 2018
SHEET NO.: 1		Revision 7: 1/17/18, 2018
SHEET TOTAL: 1		Revision 8: 1/17/18, 2018

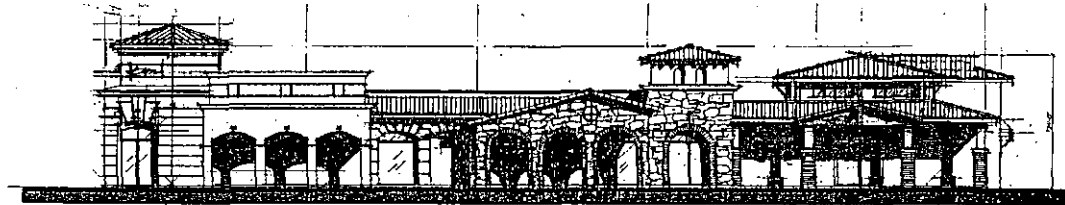
002896



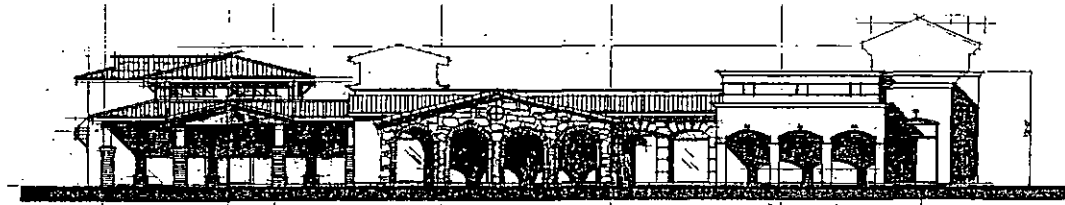
Elevation 4



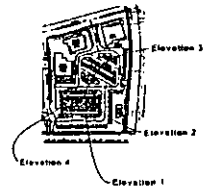
Elevation 2



Elevation 3



Elevation 1



REMARKS:
ELEVATIONS 1 &
2 & 3 & 4
SHOWN IN
PLAN VIEW

Building 'D'

PROJECT NAME: CAROL HENRIKSEN BLANK GROUP	
PREPARED BY: NAME: <u>BLANK GROUP</u> ADDRESS: <u>10000 1ST AVENUE, N.E.</u> ADDRESS: <u>10000 1ST AVENUE, N.E.</u> PHONE NO.: <u>770-111-1111</u>	Revision 1: <u>MAY 18, 2008</u> Revision 2: <u>ALUMINUM, 1/2" X 1/2"</u> Revision 3: <u>ALUMINUM, 1/2" X 1/2"</u> Revision 4: <u>ALUMINUM, 1/2" X 1/2"</u> Revision 5: <u>ALUMINUM, 1/2" X 1/2"</u> Revision 6: <u>ALUMINUM, 1/2" X 1/2"</u>
PROJECT NUMBER: CAROL HENRIKSEN BLANK GROUP	
SHEET NO.: <u>1</u> SHEET NAME: <u>1</u>	SHEET NO.: <u>1</u> SHEET NAME: <u>1</u>

002897

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, LLC, a California Corporation, submitted an application to the City of San Diego for an easement abandonment, vesting tentative map and site development permit for the Carmel Highlands Village project; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72522; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72522, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego

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as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of an easement abandonment, vesting tentative map and site development permit for the Carmel Highlands Village project.

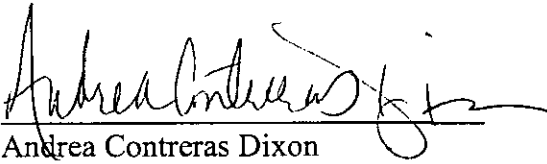
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

002389 BEIT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
07/27/07
Or.Dept:DSD
R-2009=102
MMS #5128
ENVIRONMENTAL - EIR 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

EASEMENT ABANDONMENT/ VESTING TENTATIVE MAP / SITE DEVELOPMENT
PERMIT

Project No. 72522

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to an Environmental Impact Report and Subsequent Environmental Impact Report No. 72522 shall be made conditions of Site Development Permit No. 423678 as may be further described below.

Although no mitigation is required for any new issue areas associated with this project, in order to comply with current standards, previous applicable mitigation measures outlined in LDR 96-0736(7) and 91-0834 have been updated and are presented below to provide site specific mitigation for this project. Please note, in order to ensure MMRP compliance, the first three general mitigation measures have been added.

GENERAL

1. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director (ADD) (aka Environmental Review Manager (ERM)) of the City's Land Development Review Division (LDR) shall review and approve contract documents, plans, and specifications to insure that Mitigation, Monitoring and Reporting Requirements (MMRPs) are included verbatim on the above documents under the heading, "Environmental Requirements". If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim. Project No. 72522 is subject to a Mitigation Monitoring and Reporting
2. The following requirement shall also appear with the "Environmental Requirements". "Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified paleontologist. The project shall conform to the mitigation conditions as contained in the environmental document (LDR No. 96-0736(7) and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc). Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).
3. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer,

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the Project Biologist and Paleontologist, and a City's Mitigation Monitoring Coordination (MMC) Section Representative.

BIOLOGICAL RESOURCES

DIRECT IMPACTS

- 4A. Prior to issuance of the grading permit or commencement of any construction related activity on-site (whichever comes first) direct impacts to 0.07 acres of Tier III non-native grassland habitat (NNGL) and 0.31 acres of Tier II coastal sage scrub habitat (CSS) inside the MHPA must be mitigated to the satisfaction of the ADD of LDR in one of the following ways or in an equivalent combination:

Option A. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for mitigation inside the MHPA for both habitats at a 1:1 ratio or 0.38 acres within Tiers I-III.

Option B. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for mitigation outside the MHPA at respective ratios of 2:1 and 1.5:1 outside the MHPA with a total of 0.14 acres of CSS and a total of 0.465 acres of NNGL.

Option C. The owner/permittee shall pay a total of \$10,450 into the City's Habitat Acquisition Fund No. 1059. (Assumes mitigation within MHPA at the current City rate of \$25,000 per impacted acre, + a 10% handling and maintenance fee or $0.38 \times 25,000 + 950 = \$10,450$)

- 4B. If mitigation for biological impacts takes place on-site via dedication of 2.87 acres of CSS within Lot B; no mitigation credits will be given for any excess over the required 0.38 acres amount.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

5. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR WITH THE MHPA OR ADJACENT EXTENSION OF THE MHPA HABITAT BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL

SURVEY THOSE HABITAT AREAS WHOLLY OR PARTIALLY WITHIN THE MHPA THAT WOULD BE SUBJECT TO DIRECT IMPACTS OR CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE DIRECT IMPACTS WOULD OCCUR OR CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED BIOLOGIST AND ACOUSTICIAN, GRADING BUFFERS AND/OR NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE

OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Nest and construction noise monitoring shall continue at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that no direct impacts occur and/or noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If potential direct impacts are identified and if the noise levels affecting nesting birds are not reduced to 60dB or less; then other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce all direct and indirect impacts. Such measures may include, but are not limited to, limitations on grading area, the placement of construction equipment, and or limitation on the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS GRADING

BUFFERS AND/OR NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY EXCEPT IF NESTS ARE SUBSEQUENTLY DISCOVERED DURING CONSTRUCTION AS DESCRIBED BELOW.

During Construction

6. If nests (or CA gnatcatcher or other state or federally protected bird species) are discovered during construction activities, the biologist shall notify the Resident Engineer (RE) and Mitigation Monitoring and Coordination Staff (MMC) and the RE shall stop work in the vicinity of the nests.

7. The qualified biologist shall mark all pertinent trees, holes, or shrubs and delineate the appropriate "no construction" buffer area per City ESL and/or the USFWS/CDFG's direction, around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR that any young birds have fledged.

Post Construction

8. The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.
9. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD of LDR.
10. For any unforeseen additional biological resources impacted during construction, the rehabilitation, revegetation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego's Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.
11. This report shall address findings of active/inactive nests and any recommendations for retention of active nests, removal of inactive nests and mitigation for offsetting loss of breeding habitat.
12. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

LAND USE (MHPA Adjacency)

13. Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. The qualified biologist (project biologist) shall supervise the placement of an orange construction fence or equivalent along the boundary of the development area as shown on the approved grading plan.
 - B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
 - C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control

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materials, particularly on the down slope side of disturbed areas to prevent soil loss.

- D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored inside the fenced development area only.
- E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Code, Biology Guidelines, to the satisfaction of the City Manager.
- F. All toxins and drainage run-off from proposed roads, structures and development areas associated with the project must be filtered and routed to an existing storm drain system or other City Engineer approved structure. Graded slopes will be revegetated per the City's Landscape Manual.
- G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.
- H. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands.
- I. All uses in or adjacent to the MHPA shall be designed to minimize noise impacts. See also specific noise mitigation for breeding birds listed under biology.
- J. Appropriate barriers shall be installed adjacent to the MHPA to direct public access to appropriate locations and reduce domestic animal predation on wild native animals.
- K. Brush management shall not take place in wider zones or greater scope than required by current City code. For existing native areas, required woody vegetation clearing shall not exceed 50% of that existing when initial clearing is done and clearing shall avoid covered or narrow endemic plant species to the maximum extent possible.

LANDFORM ALTERATION/VISUAL QUALITY

- 14. Prior to issuance of any grading permits and/or recording of the first final map (which ever comes first), the applicant/permittee shall demonstrate to the ADD of LDR that this measure is shown on the VTMs, landscape plans and other applicable future subdivision maps. The maps must demonstrate that contour grading shall occur on-site for any slopes over 10 feet in height and that in no case shall gradients exceed a 2:1 gradient (except internal side yard slopes less than 5 feet in height may be constructed a maximum gradient of 1.5:1) and that fill has been minimized on canyon slopes per the adopted 1997 (i.e. to the maximum extent feasible, grading shall cut to daylight lines along canyon rims). The plans shall also indicate that buildings heights are no greater than 35 feet, and that neutral colors and screening landscape shall be utilized.

PALEONTOLOGICAL RESOURCES (5/23/05 version)

15. Prior to Permit Issuance**A. Land Development Review (LDR) Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

16. Prior to Start of Construction**A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make

comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

17. **During Construction**

A. Monitor Shall be Present During Grading/Excavation/Trenching

- 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
- 2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as

trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

18. Night Work**A. If night work is included in the contract**

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

- a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9am the following morning, if possible.

- b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

- c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.**19. Post Construction****A. Submittal of Draft Monitoring Report**

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VII. SIGNIFICANT UNMITIGATED IMPACTS:

There are no new significant impacts identified for the current project. The original N-10 EIR (LDR No. 91-0834); however, listed significant unmitigated impacts to biological resources, landform alteration/visual quality, land use and cultural resources and cumulatively significant impacts to transportation/traffic, air quality, landform alteration/visual quality, water quality, and biology.

In addition, the N-10 Amendment EIR (LDR No. 96-0736)7) listed one significant unmitigated impact to landform alteration/visual quality. In the final EIR, this impact was mitigated through revision of the MMRP to include mitigation for the loss of 22.3 acres of open space; which was set aside as mitigation land via EIR 91-0834; as well as additional mitigation for various other biological impacts included on Errata Sheet page E-3, (attached). The mitigation requirements on the Errata are also addressed above in Section III –Discussion under Biological Resources. Finally, EIR 96-0636(7) identified cumulative impacts (significant unmitigated) impacts to transportation/traffic circulation, air quality, landform alteration/visual quality, hydrology/water quality, biology, and public services/elementary schools.

Because there are significant unmitigated impacts associated with the original and subsequent project EIR's, approval of the project required the decisionmakers to make specific and substantiated CEQA Findings which stated that:

- a) specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR, and
- b) these impacts have been found acceptable because of specific overriding considerations. No new CEQA Findings are required with this project.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City of San Diego, a Grant Deed, on file in the office of the City Clerk as Document No. R-_____, in favor of Pardee Homes, LLC, a California Corporation, conveying a portion of Lot 70 of Carmel Crest Estates in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13877, recorded in the office of the Recorder of San Diego County, November 24, 1999, being more particularly described as follows:

Beginning at the northeast corner of said Lot 70;

Thence southerly along the easterly line thereof, South 01°06'08" West 119.09 feet to the southeast corner of said Lot 70;

Thence westerly along the southerly line thereof, North 88°53'55" West 65.00 feet;

Thence departing said southerly line northerly, and being 65.00 feet westerly and parallel with the easterly line of said Lot 70, North 01°06'08" East 110.15 feet;

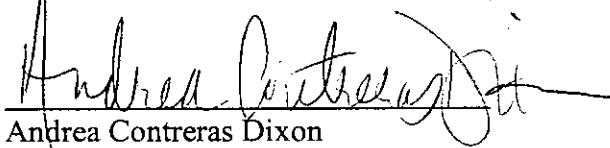
Thence North 14°30'41" West 11.25 feet to the northerly line of said Lot 70;

Thence Easterly along the northerly line thereof, South 87°16'40" East 68.06 feet the point of **beginning**;

for open space and brush management purposes for Lot "D" of Carmel Highlands Village.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
07/26/07
Or.Dept:DSD
R-2008-103
MMS #5128

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

002915

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, LLC, a California Corporation, Applicant/Subdivider, and Project Design, Engineers, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map [VTM] No. 221310) and easement abandonment (Easement Abandonment [EA] No. 423680) to allow the subdivision of a vacant 21-acre site into seven lots, construction of a 172-unit condominium complex, one single-family lot and a Commercial Center and the abandonment of three public easements: (1) Access Easement granted to the City of San Diego per Doc No. 1997-0115742, recorded March 14, 1997; (2) Survey No. 65 and the Unnamed Roads granted to the County of San Diego on August 22, 1986 in Book 257, Page 30 and recorded August 2, 1986 in Book 257, Page 185, as annexed to the City of San Diego on July 20, 1962; (3) Easement for Water Mains granted to the City of San Diego per File No. 197370 recorded September 10, 1971, for the Carmel Highlands Village project [Project]. The Project is located at 5384 Carmel Mountain Road, and legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8, and 10, Map No. 13571, in the Carmel Valley Planned District within the Carmel Valley Community Plan area, in the CVPD-OS/SF2/MFI zones; and

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680, and pursuant to Resolution No. 4268-PC voted to recommend City Council approval of the Project; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium units is 172; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

9. The property contains right-of-ways and public service easements which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430; and the City Council finds that:

- (a) there is no present or prospective public use for the streets and easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated; and
- (b) the public will benefit from the abandonments through improved utilization of land; and
- (c) the abandonments are consistent with the Carmel Valley Planned District Ordinance and the Carmel Valley Community Plan; and
- (d) the public facility or purpose for which the streets and easements were originally acquired will not be detrimentally affected by the abandonment or the purpose for which the streets and easement were acquired no longer exists.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

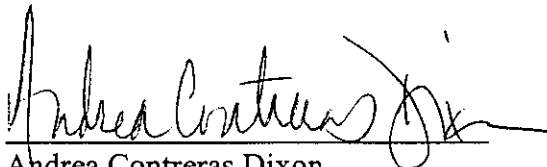
BE IT FURTHER RESOLVED; that pursuant to California Government Code section 66434(g), the following streets and easements, located within the project boundaries as

shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. Drainage Access Easement granted to the City of San Diego per Doc No. 1997-0115742, recorded March 14, 1997.
- b. Survey No. 65 and the Unnamed Roads, granted to the County of San Diego on August 22, 1986 in Book 257, Page 30 and recorded August 24, 1986 in Book 257, Page 185, said streets annexed to the City of San Diego on July 20, 1962.
- c. Easement for Water Lines granted to the City of San Diego per File No. 197370 recorded September 10, 1971.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 221310 (Amending Vesting Tentative Map No. 96-0707) and Easement Abandonment No. 423680 is granted to Pardee Homes, LLC, a California Corporation, Applicant/Subdivider and Project Design, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

07/26/07

Or.Dept:DSD

R-2008-104

MMS #5128

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CONDITIONS FOR VESTING TENTATIVE MAP NO. 221310
(AMENDING VESTING TENTATIVE MAP NO. 96-0707)
EASEMENT ABANDONMENT NO. 423680

CARMEL HIGHLANDS VILLAGE PROJECT

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Amendment to Vesting Tentative Map 96-0737 will expire on November 3, 2018, pursuant to the terms of Development Agreement 00-18571.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.
4. The property contains easements which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

AFFORDABLE HOUSING

5. In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project will not be required to provide affordable housing. The ordinance states that all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt for the City's

Inclusionary Housing Ordinance. The Vesting Tentative Map and the Development Participation Agreement were negotiated and executed in 1998 before the ordinance was created, which exempts this project from the Inclusionary Housing Ordinance.

ENGINEERING

6. Pursuant to City Council Policy 600-20, the Owner/Permittee shall provide evidence to ensure that an affirmative marketing program is established.
7. Compliance with all conditions of Site Development Permit No. 423678 be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
8. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
9. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
10. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.
11. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment [FBA] or such other means as may have been established by the City Council.
12. The subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

14. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
15. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. This tentative map is a Vesting Tentative Map. As such, the subdivider shall pay an additional \$300 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.
17. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
20. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
21. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

SEWER AND WATER

- 22. All proposed sewer facilities serving this development will be private.
- 23. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
- 24. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
- 25. The Subdivider shall design and construct new 12-inch public on-site water facilities in private driveway and street, in a manner satisfactory to the Water Department Director and the City Engineer.
- 26. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.
- 27. The Subdivider shall provide Encroachment Removal and Maintenance Agreement [EMRA] for all public water facilities located within the proposed easement.
- 28. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.
- 29. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
- 30. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities shall be modified at final engineering to comply with standards.

PARKS AND OPEN SPACE

31. Lot "B" shall be transferred from the Subdivider to the City of San Diego as Open Space, within thirty days of the recordation of the final map.
32. Lot "D" shall be transferred to the Subdivider with a building restricted easement from Brush Management concurrent with the conveyance of Lot B and shall be recorded within thirty days of the recordation of the Final Map.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, LLC, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a site development permit to construct a 172-unit condominium complex, one single-family lot and a commercial center consisting of thirty-two 2-story buildings with attached garages; one approximately 4,500-square foot recreational building; one single-family residence, 28,040-square feet of commercial space within five buildings and associated Open Space for the project known as the Carmel Highlands Village project, located at 5384 Carmel Mountain Road, and legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8 and 10, Map No. 13571, in the Carmel Valley Planned District, within the Carmel Valley Community Plan area, in the CFPD-OS/SF2/MF1 zones; and

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 423678, and pursuant to Resolution No. 4268-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____,
testimony having been heard, evidence having been submitted, and the City Council having fully
considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following
findings with respect to Site Development Permit No. 423678:

**A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0501**

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The Carmel Valley Neighborhood 10 Precise Plan [CV-N-10] allocates residential density between 98 and 189 dwelling units for this site. The Plan allocates 98 units to the residentially designated portion of the site. The proposed 172-unit multi-family residential development is within the density range allowed by the Precise Plan and is consistent with the dwelling units allocated to the site under the density transfer provision. The precise plans allows for an increase in the number of dwelling units from 98 to 172 (or an increase of 74 units). The increase is allowed via the 1998 Development Agreement between the City of San Diego and Pardee Construction Company regarding the Pacific Highlands Ranch, Subarea III area. One aspect of the Development Agreement was that in exchange for approximately nine acres of developable land added to the Multiple Habitat Planning Area [MHPA] within Subarea III, the City would allow the applicant to transfer the development rights on those nine acres to CV-N-10 or some other Pardee-owned property. The Development Agreement also approved a revision to the CV-N-10 Precise Plan allowing for construction of 200 multi-family dwelling units where 98 multi-family dwelling units were previously authorized. With this proposed project, the increase in 74 units would reflect an increase to 172 multi-family dwelling units rather than the 200 multi-family dwelling units authorized by the Development Agreement. The proposed use of this site for residential uses would be consistent with the Carmel Valley Neighborhood 10 Precise Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The permit controlling the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Site Development Permit.

2. **Supplemental Findings – Environmentally Sensitive Lands – SDMC section 126.0504(b)**

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The entire site was previously graded and only minimal impacts to environmentally sensitive lands will occur. Although the site was previously graded, finish grading would be necessary to complete the edge of the existing graded pad to accommodate project features. Direct impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat would occur in Lot A. Mitigation for the 0.38-acre impact would include native re-vegetation of the graded slope area on Lot A. The entire Lot A would also remain in the MHPA in a Home Owner Association [HOA]-owned conservation easement. In addition, all remaining MHPA open space on-site outside of Brush Management Zone Two would be dedicated as open space. The remaining MHPA area on-site, Lot B, lies west of Lot A and consists of 2.87 acres of native coastal sage scrub which is well in excess of the required 0.38 acres needed for mitigation. Therefore the project site is physically suitable for the project and would result in a minimum disturbance to environmentally sensitive lands.

b. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The 21-acre site was previously graded. An updated Geotechnical Report was provided for the proposed project (Geocon, July 20, 1995) and concluded that there are no geology or soil conditions that would preclude the development of the project. The proposed project complies with all applicable requirements related to storm water runoff and Best Management Practices. The slopes will be planted with species capable of reducing, and eventually preventing, soil erosion from wind and rain. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The project is adjacent to the City's MHPA and will be conditioned to adhere to the Land Use Adjacency Guidelines. The Guidelines address potential impacts and mitigation to noise, biology, drainage, hydrology/water quality, lighting, barriers, invasives and brush management. The project would be conditioned through

the Mitigation Monitoring Reporting Program [MMRP] and other City Permit conditions to ensure that urban run-off would be cleaned and dissipated before being routed to storm drains or canyon areas; all lighting would be shielded/directed away from adjacent environmentally sensitive lands; appropriate barriers would be erected adjacent to the MHPA to reduce human intrusion; and all landscape species within/adjacent to open space areas or brush management zones would be native or non-invasive species. Accordingly, adverse impacts to adjacent environmentally sensitive lands would be prevented.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The western portion of the proposed project is adjacent to the MHPA. The project is subject to the MSCP adjacency guidelines, which regulate lighting, drainage, and landscaping. Prior to the issuance of a Notice to Proceed with construction, all conditions of the MMRP, including the adjacency guidelines, will be implemented. Incorporation of these measures will ensure consistency with the City of San Diego's MSCP Subarea Plan.

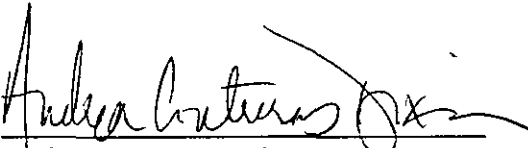
e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The proposed project is several miles inland from public beaches and local shoreline and therefore, will not contribute to the erosion of any public beaches or adversely affect shoreline or sand supply. Storm drain facilities will be constructed to collect surface water runoff, filter pollutants, and reduce water runoff velocities.

f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The Addendum to EIR No. 96-0707 prepared for this project included a specific impact analysis for the proposed development and its alternatives. Findings to support the Addendum's conclusions have been made and are part of this project's record. All mitigation measures identified in the EIR are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would result in impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat. Any impacts would be mitigated to below a level of significance through implementation of the MMRP.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 423678 is granted to Pardee Homes, LLC, a California Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

07/26/07

Or.Dept:DSD

R-2008-105

MMS #5128

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 424539

SITE DEVELOPMENT PERMIT NO. 423678
CARMEL HIGHLANDS VILLAGE [MMRP]
CITY COUNCIL

This Site Development Permit No. 423678 is granted by the Council of the City of San Diego to Pardee Homes, LLC, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 21-acre site is located at 5384 Carmel Mountain Road in the CVPD-OS/SF2/MF1/NC zones of the Carmel Planned District, within the Carmel Valley Neighborhood 10 Precise Plan. The project site is legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8, and 10, Map No. 13571.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the subdivision of a vacant 21-acre site into seven lots, the construction of a 172-unit condominium complex, with one single-family lot, and a commercial center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. Thirty-two, 2-story buildings with attached garages, one approximately 6,600-square foot recreational building, one single-family lot and associated Open Space;
- b. 28,040-square feet of commercial space within five buildings;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. 186 off-street commercial parking spaces (Lot 1), and 415 off-street residential parking spaces (Lot 2); and

- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized in accordance with Development Agreement [DA] (00-18571) between Pardee Construction Company and the City of San Diego, and approved by Ordinance of the City Council on September 8, 1993. Pursuant to the terms of the Development Agreement, the expiration date of Pardee's vesting tentative maps and this permit are extended upon being approved, and shall remain valid until the termination date of the Development Agreement (November 3, 2018).
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/

Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary grading/building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees related to the development approval, including, but not limited to, any action

to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the Addendum to Environmental Impact Report [EIR] No. 96-0737, Project No. 72522 MMRP, and outlined in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (Land Development Review [LDR]/VTM Nos. 96-0736 and 97-0737) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (LDR/VTM Nos. 96-0736 and 97-0737) satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Land Use (Multiple Habitat Planning Area-Adjacency)
- Landform Alteration/Visual Quality
- Palentological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

16. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director [ADD] (aka Environmental Review Manager [ERM]) of the City's LDR Division shall review and approve contract

documents, plans, and specifications to insure that MMRPs are included verbatim on the above documents under the heading, "Environmental Requirements." If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim. Project No. 72522 is subject to a MMRP.

17. The following requirement shall also appear with the "Environmental Requirements." Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified paleontologist. The project shall conform to the mitigation conditions as contained in the environmental document (LDR No. 96-0736(7) and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc). Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).

18. The Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist and Paleontologist, and a City's Mitigation Monitoring Coordination [MMC] Section Representative.

AFFORDABLE HOUSING REQUIREMENTS:

19. In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project will not be required to provide any affordable housing. The ordinance states that all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt for the City's Inclusionary Housing Ordinance. The Vesting Tentative Map and the DA were negotiated and executed in 1998 before the ordinance was created, which exempts this project from the Inclusionary Housing Ordinance.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

20. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

21. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

22. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with the Uniform Fire Code, SDMC 55.0101, the Landscape Standards, and the Land Development Code section 142.0412.

23. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

West portion of the property shall consist of a standard Zone One of 35-feet and a standard Zone Two of 65-feet".

24. All new construction within 300 feet of the boundary between Brush Management Zone One and Brush Management Zone Two shall comply with building standards and policy per 2001 California Building Code, San Diego Municipal Code Chapter 14, Art. 5, Div. 5 and Chapter 14, Art. 2, Div. 4.

25. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manger's approval.

26. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

27. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

28. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.

29. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

ENGINEERING REQUIREMENTS:

30. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

32. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

33. The drainage system proposed for this subdivision, as shown on the approved Amended Vesting Tentative Map No. 96-0737, is private and subject to approval by the City Engineer.

34. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

35. The Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

36. Compliance with all conditions of Site Development Permit No. 423678 shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, for Vesting Tentative Map No. 221310 unless otherwise noted.

37. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

38. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

39. The Owner/Permittee shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

40. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

LANDSCAPE REQUIREMENTS:

41. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A." Prior to issuance of any grading permit, to include slope restoration and mitigation areas, the Owner/Permittee shall enter into a Landscape Establishment Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of the slope and mitigation areas. The LEMA shall be approved by the

Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the agreement.

42. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

43. In the event that a foundation only permit is requested by the Owner/Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.

44. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40-square feet area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

45. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

46. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

47. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

48. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

49. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

50. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

51. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located, and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

52. Prior to the issuance of the first Certificate of Occupancy for the proposed project, the Owner/Permittee shall install a traffic signal at the Carmel Country Road/Stone Haven Way intersection, to the satisfaction of the City Engineer.

53. Parking Lot 1: No fewer than 186 automobile parking spaces, including six accessible disabled parking spaces; four bicycle parking spaces; and 18 motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

54. Parking Lot 2: No fewer than 415 automobile parking spaces, including eleven accessible disabled parking spaces; ninety-eight bicycle parking spaces; and eighteen motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

WASTEWATER REQUIREMENTS:

55. All proposed sewer facilities serving this development will be private.

56. Prior to the issuance of any building permits, the Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development.

57. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.

58. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

59. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public on-site water facilities in private driveway and street, in a manner satisfactory to the Water Department Director and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

62. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

63. Prior to the issuance of any Certificates of Occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

64. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A" will require modification based on standards at final engineering.

65. Prior to the issuance of any building permits, the Owner/Permittee shall provide Encroachment Maintenance and Removal Agreement to the City Engineer and the Water Department Director.

66. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

67. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

GEOLOGY REQUIREMENTS

68. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

69. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Graded Report is required within fifteen days of completion of grading operations.

70. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by the Division of Building and Safety prior to issuance of building permits.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____ by
Resolution No. R-_____.

002942

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

PARDEE HOMES, LLC,
a California Corporation
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Section 66434 (g) of the California Government Code provides that the filing of a Final Map [Map] shall constitute abandonment of all streets and easements not shown on said Map; and

WHEREAS, the affected property owner, in order to facilitate development of the property as conditioned in Vesting Tentative Map No. 221310, has requested the abandonment of certain streets and easements; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective public use for the streets and easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated; and
- (b) the public will benefit from the abandonments through improved utilization of land; and
- (c) the abandonments are consistent with the Carmel Valley Planned District Ordinance and the Carmel Valley Community Plan; and
- (d) the public facility or purpose for which the streets and easements were originally acquired will not be detrimentally affected by the abandonment or the purpose for which the streets and easement were acquired no longer exists; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; ; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego:

1. That pursuant to California Government Code section 66434(g), the following streets and easements, located within the project boundaries as shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. Drainage Access Easement granted to the City of San Diego per Doc No. 1997-0115742, recorded March 14, 1997.
- b. Survey No. 65 and the Unnamed Roads, granted to the County of San Diego on August 22, 1986 in Book 257, Page 30 and recorded August 24, 1986 in Book 257, Page 185, said streets annexed to the City of San Diego on July 20, 1962.
- c. Easement for Water Lines granted to the City of San Diego per File No. 197370 recorded September 10, 1971; and

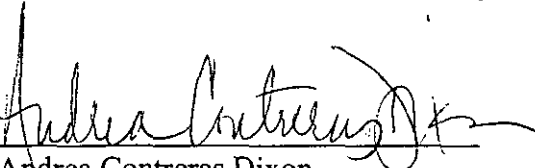
2. That the resolution shall not become effective unless and until Vesting Tentative Map No. 221310 has been approved by the City Council.

002945

3. The City Clerk shall cause a certified copy of this resolution, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
07/26/07
Or.Dept:DSD
R-2008-113
MMS #5128

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 10, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

Item # 17

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:05 a.m. Chairperson Schultz adjourned the meeting at 4:13 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz- present
Vice-Chairperson Kathleen Garcia- present
Commissioner Robert Griswold- Present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Vacancy
Andrea Dixon, City Attorney- present
Cecilia Williams, Planning Department – present
Mike Westlake, Development Services Department-present
Sabrina Curtin, Recorder-present

ITEM-17: ***CARMEL HIGHLANDS VILLAGE – PROJECT NO. 72522**
City Council District: 1; Plan Area: Carmel Valley

Derrick Johnson presented Report No. PC-07-071 to the Planning Commission.

Speaker slips submitted in favor by Ron Brochoff

No one present to speak in opposition.

Public Testimony was closed.

COMMISSIONER ACTION:

Motion by Commissioner Griswold to recommend denial to City Council Site Development Permit, Easement Abandonment. Recommend Certification of the addendum to EIR No. 96-0737. Motion fails for a lack of a Second.

MOTION BY COMMISSIONER NASLUND TO CONTINUE TO JUNE 7, 2007 TO ALLOW THE APPLICANT TIME TO ADDRESS ISSUES ON; STRATEGIES ENHANCING SUSTAINABLE PRACTICES, IMPROVED LAND PLAN THAT WOULD WORK TOWARDS THE COMMUNITY PLAN GOALS AS ADDRESSED IN THE REPORT, INCREASE AFFORDABILITY, AND COUNCIL POLICIES 900-14 THE SUSTAINABILITY CRITERIA
Second by Vice-Chairperson Garcia. Passed 5-1-1 vote with Commissioner Griswold voting nay and one vacancy.

The Planning Commission meeting was adjourned @ 4:13 p.m. by Chairperson Schultz.

PLANNING COMMISSION RESOLUTION NO. 4268-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE PROPOSED Easement Abandonment No. 266925 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678.

CARMEL HIGHLANDS VILLAGE, PTS# 72522

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego adoption of Easement Abandonment No. 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678; and

WHEREAS, Pardee Homes, Owner requested Easement Abandonment No. 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678 to allow for the subdivision of a vacant 21-acre site, the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center, grading, landscaping and improvements in the public right-of-way and other uses generally associated with a land development, such as: homeowner association lots, open space lots and water quality basins; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW
THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of The City of San Diego adoption of the Easement Abandonment No. 266925 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego hereby recommends to the Council of the City of San Diego adoption of the Easement Abandonment No. 266925 423680, Vesting Tentative Map No. 221330 (amending VTM No. 96-0707), and Site Development Permit No. 423678 and incorporate all other listed actions.

Derrick Johnson
Development Project Manager
Development Services

Sabrina Curtin
Secretary to the Planning
Commission

Dated June 7, 2007
By a vote of: 5:0:0

PLANNING COMMISSION
RESOLUTION NO. 4268-PC
SITE DEVELOPMENT PERMIT NO. 423678
CARMEL HIGHLANDS VILLAGE-PROJECT NO. 72522

WHEREAS, PARDEE HOMES, Owner/Permittee, filed an application with the City of San Diego for a Site Development permit to construct a residential and commercial center project (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 423678, on portions of a 21-acre site;

WHEREAS, the project site is located at 5384 Carmel Mountain Road in the CVPD-OS/SF2/MF1 zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan;

WHEREAS, the project site is legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8 and 10, Map No. 13571;

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego considered Site Development Permit No. 423678 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 7, 2007.

A. SITE DEVELOPMENT PERMIT FINDINGS (SDMC Section 126.0501)

1. **The proposed development will not adversely affect the applicable land use plan.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 169-unit condominium complex, one single-family lot and a Commercial Center. The Carmel Valley Neighborhood 10 Precise Plan (CV-N-10) allocates residential density between 98 and 189 dwelling units for this site. The Plan allocates 98 units to the residentially designated portion of the site. The proposed 172-unit multi family residential development is within the density range allowed by the Precise Plan and is consistent with the dwelling units allocated to the site under the density transfer provision. The precise plans allows for an increase in the number of dwelling units from 98 to 172 (or an increase of 74 units). The increase is allowed via the 1998 Development Agreement between the City of San Diego and Pardee Construction Company regarding the Pacific Highlands Ranch, Subarea III area. One aspect of the Development Agreement was that in exchange for approximately nine-acres of developable land added to the MHPA within Subarea III, the City would allow the applicant to transfer the development rights on those nine acres to CV-N-10 or some other Pardee-owned property. The Development Agreement also approved a revision to the CV-N-10 Precise Plan allowing for construction of 200 multi-family dwelling units where 98 multi-family dwelling units were previously authorized. With this proposed project, the increase in 74 units would reflect an increase to 172 multi-family dwelling units rather than the 200 multi-family dwelling units authorized by the Development

Agreement. The proposed use of this site for residential uses would be consistent with the Carmel Valley Neighborhood 10 Precise Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The permit controlling the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Site Development Permit.

B. Supplemental Findings--Environmentally Sensitive Lands (SDMC SECTION 126.0504(b))

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The entire site was previously graded and only minimal impacts to environmentally sensitive lands will occur. Although the site was previously graded, finish grading would be necessary to complete the edge of the existing graded pad to accommodate project features. Direct impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat would occur in Lot A. Mitigation for the 0.38-acre impact would include native re-vegetation of the graded slope area on Lot A. The entire Lot A would also remain in the MHPA in a HOA-owned conservation easement. In addition, all remaining MHPA open space on-site outside of Brush Management Zone Two would be dedicated as open space. The remaining MHPA area on-site, Lot B, lies west of Lot A and consists of 2.87 acres of native coastal sage scrub which is well in excess of the required 0.38 acres needed for mitigation. Therefore the project site is physically suitable for the project and would result in a minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The 21-acre site was previously graded. An updated Geotechnical Report was provided for the proposed project (Geocon, July 20, 1995) and concluded that there are no geology or soil conditions that would preclude the development of the project. The proposed project complies with all applicable requirements related to storm water runoff and Best Management Practices. The slopes will be planted with species capable of reducing, and eventually preventing, soil erosion from wind and rain. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The project is adjacent to the City's Multi-Habitat Planning Area (MHPA) and will be conditioned to adhere to the Land Use Adjacency Guidelines. The Guidelines address potential impacts and mitigation to noise, biology, drainage, hydrology/water quality, lighting, barriers, invasives and brush management. The project would be conditioned through the Mitigation Monitoring Reporting Program and other City Permit conditions to ensure that urban run off would be cleaned and dissipated before being routed to storm drains or canyon areas; all lighting would be shielded/directed away from adjacent environmentally sensitive lands; appropriate barriers would be erected adjacent to the MHPA to reduce human intrusion; and all landscape species within/adjacent to open space areas or brush management zones would be native or non-invasive species. Accordingly, adverse impacts to adjacent environmentally sensitive lands would be prevented.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The western portion of the proposed project is adjacent to the Multi-Habitat Planning Area (MHPA). The project is subject to the MSCP adjacency guidelines, which regulate lighting, drainage, and landscaping. Prior to the issuance of a Notice to Proceed with construction, all conditions of the Mitigation Monitoring and Reporting Plan (MMRP), including the adjacency guidelines, will be implemented. Incorporation of these measures will ensure consistency with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The proposed project is several miles inland from public beaches and local shoreline and therefore, will not contribute to the erosion of any public beaches or adversely affect shoreline or sand supply. Storm drain facilities will be constructed to collect surface water runoff, filter pollutants, and reduce water runoff velocities.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The Addendum to EIR No. 96-0707 prepared for this project included a specific impact analysis for the proposed development and its alternatives. Findings to support the Addendum's conclusions have been made and are part of this project's record. All mitigation measures identified in the EIR are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would result in impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat. Any impacts would be mitigated to below a level of significance through implementation of the Mitigation, monitoring and Reporting Program.

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BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 423678 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 423678, a copy of which is attached hereto and made a part hereof.

A handwritten signature in cursive script, appearing to read "Derrick Johnson", is written over a horizontal line.

Derrick Johnson
Development Project Manager
Development Services

Adopted on: June 7, 2007

Job Order No. 42-4539

cc: Legislative Recorder, Planning Department

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GRANT DEED for OPEN SPACE

THE CITY OF SAN DIEGO, a municipal corporation, in the County of San Diego, State of California, for a valuable consideration, DOES HEREBY GRANT to PARDEE HOMES all that real property described as follows:

LEGAL DESCRIPTION ATTACHED

Grantee specifically understand and agrees that the property herein granted is subject to a general easement for open space purposes and that any use of the property for other than open space purposes is not allowed unless and until the City Council of GRANTEE has first conducted a public hearing in accordance with Streets and Highways Code Section 8300 et seq., and, after such public hearing has abandoned all or a portion of such easement restrictions. The restrictions created on the property by the open space purpose easement shall mean that the property shall remain basically undeveloped, in that no structures may be built on the open space property, so long as the easement restriction remains.

IN WITNESS WHEREOF, the City of San Diego has caused this deed to be executed by its City Manager, pursuant to resolution of the Council authorizing such execution, this _____ day of _____, 2007.

THE CITY OF SAN DIEGO

By: _____
James F. Barwick., Director
Real Estate Assets

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PORTION OF LOT 70 OF CARMEL CREST ESTATES IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 13877, RECORDED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, NOVEMBER 24, 1999, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 70;

THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF, SOUTH 01°06'08" WEST 119.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 70;

THENCE WESTERLY ALONG THE SOUTHERLY LINE THEREOF, NORTH 88°53'55" WEST 65.00 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, NORTHERLY, AND BEING 65.00 FEET WESTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 70, NORTH 01°06'08" EAST 110.15 FEET;

THENCE NORTH 14°30'41" WEST 11.25 FEET TO THE NORTHERLY LINE OF SAID LOT 70;

THENCE EASTERLY ALONG THE NORTHERLY LINE THEREOF, SOUTH 87°16'40" EAST 68.06 FEET THE POINT OF **BEGINNING**.

CONTAINS 7815 SQUARE FEET (0.179 ACRE), MORE OR LESS

BY: Ronald E. Roth
RONALD E. ROTH, PLS 5506
(MY LICENSE EXPIRES 09-30-08)

DATE: 09/11/06



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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 424539

SITE DEVELOPMENT PERMIT NO. 423678
CARMEL HIGHLANDS VILLAGE [MMRP]
CITY COUNCIL

This Site Development Permit No. 423678 is granted by the Council of the City of San Diego to Pardee Homes, LLC, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 21-acre site is located at 5384 Carmel Mountain Road in the CVPD-OS/SF2/MF1/NC zones of the Carmel Planned District, within the Carmel Valley Neighborhood 10 Precise Plan. The project site is legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8, and 10, Map No. 13571.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the subdivision of a vacant 21-acre site into seven lots, the construction of a 172-unit condominium complex, with one single-family lot, and a commercial center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. Thirty-two, 2-story buildings with attached garages, one approximately 6,600-square foot recreational building, one single-family lot and associated Open Space;
- b. 28,040-square feet of commercial space within five buildings;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. 186 off-street commercial parking spaces (Lot 1), and 415 off-street residential parking spaces (Lot 2); and

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- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized in accordance with Development Agreement [DA] (00-18571) between Pardee Construction Company and the City of San Diego, and approved by Ordinance of the City Council on September 8, 1993. Pursuant to the terms of the Development Agreement, the expiration date of Pardee's vesting tentative maps and this permit are extended upon being approved, and shall remain valid until the termination date of the Development Agreement (November 3, 2018).
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/

Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary grading/building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees related to the development approval, including, but not limited to, any action

to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the Addendum to Environmental Impact Report [EIR] No. 96-0737, Project No. 72522 MMRP, and outlined in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (Land Development Review [LDR]/VTM Nos. 96-0736 and 97-0737) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Addendum to the Neighborhood 10 Plan Amendment Subsequent EIR (LDR/VTM Nos. 96-0736 and 97-0737) satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Land Use (Multiple Habitat Planning Area-Adjacency)
- Landform Alteration/Visual Quality
- Palentological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

16. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director [ADD] (aka Environmental Review Manager [ERM]) of the City's LDR Division shall review and approve contract

documents, plans, and specifications to insure that MMRPs are included verbatim on the above documents under the heading, "Environmental Requirements." If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim. Project No. 72522 is subject to a MMRP.

17. The following requirement shall also appear with the "Environmental Requirements." Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified paleontologist. The project shall conform to the mitigation conditions as contained in the environmental document (LDR No. 96-0736(7) and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc). Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).

18. The Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist and Paleontologist, and a City's Mitigation Monitoring Coordination [MMC] Section Representative.

AFFORDABLE HOUSING REQUIREMENTS:

19. In accordance with Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance, the project will not be required to provide any affordable housing. The ordinance states that all projects with an approved Vesting Tentative Map or an approved Development Agreement prior to July 3, 2003 are exempt for the City's Inclusionary Housing Ordinance. The Vesting Tentative Map and the DA were negotiated and executed in 1998 before the ordinance was created, which exempts this project from the Inclusionary Housing Ordinance.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

20. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

21. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

22. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with the Uniform Fire Code, SDMC 55.0101, the Landscape Standards, and the Land Development Code section 142.0412.

23. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

West portion of the property shall consist of a standard Zone One of 35-feet and a standard Zone Two of 65-feet".

24. All new construction within 300 feet of the boundary between Brush Management Zone One and Brush Management Zone Two shall comply with building standards and policy per 2001 California Building Code, San Diego Municipal Code Chapter 14, Art. 5, Div. 5 and Chapter 14, Art. 2, Div. 4.

25. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manger's approval.

26. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

27. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

28. Prior to Final Inspection and Framing Inspection for any building, the approved Brush Management Program shall be implemented.

29. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

ENGINEERING REQUIREMENTS:

30. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

32. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

33. The drainage system proposed for this subdivision, as shown on the approved Amended Vesting Tentative Map No. 96-0737, is private and subject to approval by the City Engineer.

34. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

35. The Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

36. Compliance with all conditions of Site Development Permit No. 423678 shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, for Vesting Tentative Map No. 221310 unless otherwise noted.

37. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

38. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

39. The Owner/Permittee shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

40. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

LANDSCAPE REQUIREMENTS:

41. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A." Prior to issuance of any grading permit, to include slope restoration and mitigation areas, the Owner/Permittee shall enter into a Landscape Establishment Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of the slope and mitigation areas. The LEMA shall be approved by the

Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Owner/Permittee posting a new bond to cover the terms of the agreement.

42. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40-square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

43. In the event that a foundation only permit is requested by the Owner/Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.

44. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40-square feet area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

45. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

46. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

47. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

48. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

49. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

50. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

51. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located, and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

52. Prior to the issuance of the first Certificate of Occupancy for the proposed project, the Owner/Permittee shall install a traffic signal at the Carmel Country Road/Stone Haven Way intersection, to the satisfaction of the City Engineer.

53. Parking Lot 1: No fewer than 186 automobile parking spaces, including six accessible disabled parking spaces; four bicycle parking spaces; and 18 motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

54. Parking Lot 2: No fewer than 415 automobile parking spaces, including eleven accessible disabled parking spaces; ninety-eight bicycle parking spaces; and eighteen motorcycle parking spaces shall be maintained on the property at all times in the approximate location shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use.

WASTEWATER REQUIREMENTS:

55. All proposed sewer facilities serving this development will be private.

56. Prior to the issuance of any building permits, the Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development.

57. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.

58. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
59. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public on-site water facilities in private driveway and street, in a manner satisfactory to the Water Department Director and the City Engineer.
61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.
62. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.
63. Prior to the issuance of any Certificates of Occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.
64. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A" will require modification based on standards at final engineering.
65. Prior to the issuance of any building permits, the Owner/Permittee shall provide Encroachment Maintenance and Removal Agreement to the City Engineer and the Water Department Director.
66. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
67. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

GEOLOGY REQUIREMENTS

68. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

69. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Graded Report is required within fifteen days of completion of grading operations.

70. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by the Division of Building and Safety prior to issuance of building permits.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____ by
Resolution No. R-_____.

002968

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

PARDEE HOMES, LLC,
a California Corporation
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Pardee Homes, LLC, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a site development permit to construct a 172-unit condominium complex, one single-family lot and a commercial center consisting of thirty-two 2-story buildings with attached garages; one approximately 4,500-square foot recreational building; one single-family residence, 28,040-square feet of commercial space within five buildings and associated Open Space for the project known as the Carmel Highlands Village project, located at 5384 Carmel Mountain Road, and legally described as Portions of Section 28 and Portions of the East half of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, and Lot 57 of Carmel Valley Neighborhood 10 North Units 7, 8 and 10, Map No. 13571, in the Carmel Valley Planned District, within the Carmel Valley Community Plan area, in the CFPD-OS/SF2/MF1 zones; and

WHEREAS, on June 7, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 423678, and pursuant to Resolution No. 4268-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____,
testimony having been heard, evidence having been submitted, and the City Council having fully
considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following
findings with respect to Site Development Permit No. 423678:

A. **SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0501**

1. **Findings for all Site Development Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The Carmel Valley Neighborhood 10 Precise Plan [CV-N-10] allocates residential density between 98 and 189 dwelling units for this site. The Plan allocates 98 units to the residentially designated portion of the site. The proposed 172-unit multi-family residential development is within the density range allowed by the Precise Plan and is consistent with the dwelling units allocated to the site under the density transfer provision. The precise plans allows for an increase in the number of dwelling units from 98 to 172 (or an increase of 74 units). The increase is allowed via the 1998 Development Agreement between the City of San Diego and Pardee Construction Company regarding the Pacific Highlands Ranch, Subarea III area. One aspect of the Development Agreement was that in exchange for approximately nine acres of developable land added to the Multiple Habitat Planning Area [MHPA] within Subarea III, the City would allow the applicant to transfer the development rights on those nine acres to CV-N-10 or some other Pardee-owned property. The Development Agreement also approved a revision to the CV-N-10 Precise Plan allowing for construction of 200 multi-family dwelling units where 98 multi-family dwelling units were previously authorized. With this proposed project, the increase in 74 units would reflect an increase to 172 multi-family dwelling units rather than the 200 multi-family dwelling units authorized by the Development Agreement. The proposed use of this site for residential uses would be consistent with the Carmel Valley Neighborhood 10 Precise Plan.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The permit controlling the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. Specific conditions of approval require the continued compliance with all relevant regulations of the San Diego Municipal Code in effect for this site and have been written as such into the permit. Development of the site with a residential use shall meet all requirements of the regulations, as allowed through a Site Development Permit.

2. Supplemental Findings – Environmentally Sensitive Lands – SDMC section 126.0504(b)

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The entire site was previously graded and only minimal impacts to environmentally sensitive lands will occur. Although the site was previously graded, finish grading would be necessary to complete the edge of the existing graded pad to accommodate project features. Direct impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat would occur in Lot A. Mitigation for the 0.38-acre impact would include native re-vegetation of the graded slope area on Lot A. The entire Lot A would also remain in the MHPA in a Home Owner Association [HOA]-owned conservation easement. In addition, all remaining MHPA open space on-site outside of Brush Management Zone Two would be dedicated as open space. The remaining MHPA area on-site, Lot B, lies west of Lot A and consists of 2.87 acres of native coastal sage scrub which is well in excess of the required 0.38 acres needed for mitigation. Therefore the project site is physically suitable for the project and would result in a minimum disturbance to environmentally sensitive lands.

b. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The 21-acre site was previously graded. An updated Geotechnical Report was provided for the proposed project (Geocon, July 20, 1995) and concluded that there are no geology or soil conditions that would preclude the development of the project. The proposed project complies with all applicable requirements related to storm water runoff and Best Management Practices. The slopes will be planted with species capable of reducing, and eventually preventing, soil erosion from wind and rain. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The project is adjacent to the City's MHPA and will be conditioned to adhere to the Land Use Adjacency Guidelines. The Guidelines address potential impacts and mitigation to noise, biology, drainage, hydrology/water quality, lighting, barriers, invasives and brush management. The project would be conditioned through

the Mitigation Monitoring Reporting Program [MMRP] and other City Permit conditions to ensure that urban run-off would be cleaned and dissipated before being routed to storm drains or canyon areas; all lighting would be shielded/directed away from adjacent environmentally sensitive lands; appropriate barriers would be erected adjacent to the MHPA to reduce human intrusion; and all landscape species within/adjacent to open space areas or brush management zones would be native or non-invasive species. Accordingly, adverse impacts to adjacent environmentally sensitive lands would be prevented.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The western portion of the proposed project is adjacent to the MHPA. The project is subject to the MSCP adjacency guidelines, which regulate lighting, drainage, and landscaping. Prior to the issuance of a Notice to Proceed with construction, all conditions of the MMRP, including the adjacency guidelines, will be implemented. Incorporation of these measures will ensure consistency with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The proposed project is several miles inland from public beaches and local shoreline and therefore, will not contribute to the erosion of any public beaches or adversely affect shoreline or sand supply. Storm drain facilities will be constructed to collect surface water runoff, filter pollutants, and reduce water runoff velocities.

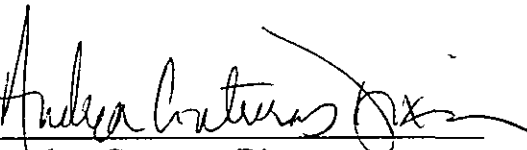
f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The project proposes to create seven parcels from a 21-acre site and to allow the construction of a 172-unit condominium complex, one single-family lot and a Commercial Center. The Addendum to EIR No. 96-0707 prepared for this project included a specific impact analysis for the proposed development and its alternatives. Findings to support the Addendum's conclusions have been made and are part of this project's record. All mitigation measures identified in the EIR are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would result in impacts to 0.07 acres of Tier IV non-native grassland habitat and 0.31 acres of Tier II coastal sage scrub habitat. Any impacts would be mitigated to below a level of significance through implementation of the MMRP.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

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BE IT FURTHER RESOLVED, that Site Development Permit No. 423678 is granted to Pardee Homes, LLC, a California Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

07/26/07

Or.Dept:DSD

R-2008-105

MMS #5128

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CARMEL VALLEY COMMUNITY PLANNING BOARD
c/o MNA CONSULTING
427 C St., Ste. 308
San Diego, CA 92101
619-239-9877 x11 / Fax: 619-239-9878
www.cvsd.com/planning.html

August 7, 2007

Derrick Johnson
John Fisher
Development Project Manager
Development Services Department
City of San Diego
1222 First Avenue, MS 302
San Diego, CA 92101

SUBJECT: CARMEL VALLEY NEIGHBORHOOD 10:

CARMEL HIGHLANDS VILLAGE PROJECT # 72522
CARMEL VALLEY JO # 42-4539 (PROCESS 5) Planned Development
Permit to reduce the required setbacks & VTM to amend VTM #96-0737 to
construct a facility which consists of 172 Residential Condominium units,
a Recreational Building and 5 Commercial buildings with 28,000 sq ft on a
21 acre site at 5384 Carmel Mountain Rd. CVPD-OS/SF2/MF1 zones of
Carmel Valley Planned District within Carmel Valley Plan

Dear Mr. Johnson,

The Carmel Valley Community Planning Board (CVCPB) has reviewed the Applicant's recent changes to the Carmel Highlands Village project. These changes, made at the request of Planning Commission and City Staff, improve traffic and pedestrian flow within the project by reducing the number of condominium units and reorienting structures; and increase sustainability through the selection of a more drought resistant plant palette and the commitment to incorporate solar roofing where possible.

The CVCPB voted 10-0-0 to approve the design without modification.

Thank you for the opportunity to review this project.

Kenneth W. Farinsky, Vice Chair
for Frisco White, Chair

cc Bernie Turgeon
Laura Copic
Ron Brockhoff, Pardee

002977
SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

August 13, 2007

City of San Diego
Mr. Derrick Johnson
Development Services Dept.
1222 First Avenue, MS 302
San Diego, CA 92101

Re: *San Diego County Regional Airport Authority, Airport Land Use Commission Determination – 5384 Carmel Mountain Road, City of San Diego; Construction of 172 new residential units, a recreational building and a commercial development; APN# 308-092-16, 308-030-45 & 308-030-50; MCAS Miramar Airport Land Use Compatibility Plan – MIR-07-022; Resolution No. 2007-0055 ALUC*

Dear Mr. Johnson:

This letter is to notify the City of San Diego ("City") of the July 5, 2007, consistency determination that was made by the San Diego County Regional Airport Authority ("Authority" or "SDCRAA"), acting in its capacity as the San Diego County Airport Land Use Commission ("ALUC"), for the referenced project. The ALUC has determined that the proposed project is **consistent** with the MCAS Miramar Airport Land Use Compatibility Plan ("ALUCP"). A copy of Resolution 2007-0053 ALUC, approved by the ALUC on July 5, 2007, and memorializing the consistency determination, is enclosed for your information.

The ALUC's determination that the 5384 Carmel Mountain Road project is **consistent** with the Airport ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

- (1) The proposed project involves the construction of a mixed use development including 172 new residential units, recreational facilities, and commercial space in the "Carmel Highlands Village" development at 5384 Carmel Mountain Road, City of San Diego. The proposed project is located outside the 60 dB CNEL noise contours for MCAS Miramar.
- (2) The MCAS Miramar ALUCP identifies residential and commercial uses located outside the 60 dB CNEL noise contour as compatible with airport uses.
- (3) The proposed project is in compliance with the height restrictions in the MCAS Miramar ALUCP.
- (4) The proposed project is located outside the Accident Protection Zones (APZs) for MCAS Miramar.
- (5) Therefore, the proposed project is consistent with the adopted MCAS Miramar ALUCP.
- (6) This Board action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.



SAN DIEGO
INTERNATIONAL
AIRPORT

002978

Mr. Derrick Johnson
Page 2

Please contact Ms. Linda Johnson at (619) 400-2463 if you have any questions regarding the issues addressed in this letter.

Very truly yours,



Thella F. Bowens
President/CEO

TFB/LMJ/arw

Enclosures: Resolution 2007-0055 ALUC

cc: Amy Gonzalez, SDCRAA – General Counsel
Mary Frederick, Caltrans – Division of Aeronautics
C. Laura Thornton, MCAS Miramar
Ron Brockhoff, Pardee Homes, applicant
Tait Galloway, City of San Diego, Planning & Community Investment